96-62

U.S. COMMISSION ON CIVIL RIGHTS FISCAL YEAR 1981 AUTHORIZATION

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

S. 2511

A BILL TO AMEND THE CIVIL RIGHTS ACT OF 1957 TO AUTHORIZE APPROPRIATIONS FOR THE U.S. COMMISSION ON CIVIL RIGHTS FOR FISCAL YEAR 1981

APRIL 3, 1980

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[96th Congress]

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U.S. COMMISSION ON CIVIL RIGHTS FISCAL YEAR 1981 AUTHORIZATION

THURSDAY, APRIL 3, 1980

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met at 9:45 a.m., room 457, Russell Senate Office Building, Hon. Birch Bayh (acting chairman of the committee) presiding.

Present: Senator Bayh.

Staff Present: Kevin O. Faley, chief counsel and executive director, Subcommittee on the Constitution; Mary K. Jolly, staff director and counsel, Subcommittee on the Constitution; John Minor, counsel, Committee on the Judiciary; Ben Dixon, professional staff member, Subcommittee on the Constitution; Linda Rogers-Kingsbury, deputy staff director and chief clerk; Christie F. Johnson, assistant clerk; Tom Parry, counsel, minority staff, Senator Hatch; Steve Markman, counsel, minority staff, Senator Hatch; Dennis Shedd, counsel, Senator Thurmond; Charles Wood, counsel, Senator Simpson.

Senator BAYH. We will convene our hearing this morning.

OPENING STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA, CHAIRMAN OF THE SUBCOMMITTEE ON THE CONSTITUTION

Today the committee once again turns to its annual oversight of the U.S. Commission on Civil Rights. I have introduced legislation, S. 2511, which would extend through fiscal year 1981 an authorization for an appropriation of $14 million. As we all know, the U.S. Commission on Civil Rights is an independent bipartisan agency established by Congress in 1957 to:

One: Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, handicap, or national origin, or by reason of fraudulent practices;

Two: Study and collect information concerning legal developments constituting discrimination or denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;

Three: Appraise Federal laws and policies with respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin; and

Four: Submit reports, findings, and recommendations to the President and the Congress.

I do not believe that I need recite the long list of accomplishments of the Commission to date: They are well known to all. Let me just say though, that in the early years of the civil rights struggle and during the legislative battles of the last decade, the laws we passed were on issues that dealt with the fundamental precepts of this Nation. Then, as today, the Commission was on the forefront of the fight, defending the freedoms all Americans are supposed to have as a birthright.

In 1979, the Congress once again extended the Commission's existence for an additional 5 years, but required it to seek annual monetary authorizations during this 5-year period. Last year, the Congress authorized the Commission to spend $14 million, a level S. 2511 would continue. However, the Commission kept well below that ceiling figure by requesting only $11.7 million budget for the current fiscal year and $12.1 million for fiscal year 1981. The Commission has been able to submit these low budgets despite the addition in 1979 of the areas of handicap and age to its authority; the committee felt then that the Commission would need additional outlays so that it could meet its more traditional duties as well as these new ones. I congratulate the Commission on its fiscal restraint. Last year I asked the Commission to inform us if a request was to be made for additional funds for a substantive area; I am not aware of any such request having been made this year. I would again request, though, that if additional moneys do seem to be necessary that the Commission would inform us of any supplementals for the current fiscal year and for 1981.

For the last 23 years, the Commission on Civil Rights has labored to protect all Americans from an erosion of their constitutional and civil rights. The Commission has been able to do this in a unique manner, for it has no authority to issue regulations or to litigate any matter. It merely has the authority to point out the situations that have resulted in a deprivation of rights and to recommend a remedy. We in the Congress, then, must move to correct the situation by implementing the remedy through legislation. I believe the Commission performs an essential task through its recommendations to the Congress; and, I believe it must be continued.

We are very privileged this morning to have Ms. Frankie Freeman, Mr. Louis Nunez and Ms. Lucy Edwards representing the Commission. I should mention that I had a lengthy conversation with Chairman Flemming yesterday, and he was in a position that some of us are in on occasion, of having to be in two places at one time. A meeting in Phoenix, on equal employment, which he is now attending was called for today and obviously is in conflict with our meeting here.

Knowing the kind of leadership that comes from the Commission, I suggested this meeting would be the easier one for him to miss because he would be so ably represented by the witnesses that are here now. I told him I would recognize his presence in spirit here and urged him to fill the other commitment.

[The text of S. 2511 follows:]

II

96TH CONGRESS
2D SESSION

S. 2511

To amend the Civil Rights Act of 1957 to authorize appropriations for the United States Commission on Civil Rights for fiscal year 1981.

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, JANUARY 3), 1980

Mr. BAYH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Civil Rights Act of 1957 to authorize appropriations for the United States Commission on Civil Rights for fiscal year 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e) is amended by striking out "1980" and inserting in lieu thereof "1981".

Senator BAYH. Senator Thurmond wanted a statement inserted in the record, which will be done at this point, without objection.

OPENING STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Mr. Chairman, this morning we are considering the reauthorization of the Civil Rights Commission as part of our annual congressional oversight.

While this Commission has indeed been active over its 20-year history, some people are concerned that the Commission, at times, has dramatically stretched its congressional mandate. Many such concerns were heard by this committee last year. I assume that the Commission has reacted responsibly to those criticisms and will strive to act within the parameters of its congressional directive.

It is very important that the Civil Rights Commission consider everyone who is a member of a minority group. At times, people make an unwarranted assumption that all members of minority groups are the same; that they all feel exactly the same way on every subject. This assumption is an incorrect stereotype. Members of minority groups in this country are just as diverse in their attitudes and beliefs as are members of the majority. The Commission must insure that all members of these diverse groups, not just a select few, are heard.

Another minority which has been created in this country are those persons who are adversely affected by reverse discrimination. This minority represents those people who, through no fault of their own, are subjected to unequal burdens. No on-going review of the plight of the disadvantaged in this country would be complete without a study of the impact on these persons. I hope that a complete study of this area will be part of the Commission's agenda in the next year.

Senator BAYH. With that, why don't we just proceed? It is good to have you folks here this morning, Ms. Freeman. Why don't you proceed?

TESTIMONY OF FRANKIE FREEMAN, COMMISSIONER, U.S. COMMISSION ON CIVIL RIGHTS, ACCOMPANIED BY LOUIS NUNEZ, STAFF DIRECTOR, AND LUCY EDWARDS, DIRECTOR OF CONGRESSIONAL LIAISON

Ms. FREEMAN. Mr. Chairman and members of the committee, I am Frankie M. Freeman, Commissioner. I am pleased to appear before you with respect to the U.S. Commission on Civil Rights' Authorization request for fiscal year 1981. The Commission has been advised that, this request is consistent with the President's program. Accompanying me today is Louis Nunez, the staff director, and Ms. Lucy Edwards.

Mr. Chairman, as you know, the Commission on Civil Rights was originally established in 1957 for an initial period of 2 years. Subsequently, its life has been extended six times. In October 1978 President Carter signed Public Law 95-444, which extended the Commission through fiscal 1983 and expanded the Commission's jurisdiction to include discrimination on account of age and handicap.

This extension legislation also provided for a 1-year open ended authorization for fiscal year 1979.

In fiscal year 1980 the Commission is operating under an authorization ceiling of $14 million. In 1979 the Commission's activities continued to reflect the priorities of education, unemployment, housing, administration of justice and voting rights, but also included new and developing fields of Commission inquiry.

In fiscal year 1979 a desegregation status report was issued reviewing developments in public school desegregation since the Commission's 1976 comprehensive report entitled "Fulfilling the Letter

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and Spirit of the Law." This status report also examined the efforts of the Congress and HEW's Office for Civil Rights and reviewed events in 47 school districts.

In 1980 the Commission will begin to implement a school desegregation program which will extend over the next several years.

The Commission's police practices project was largely completed in 1979. An initial consultation was held in Washington, D.C. where experts in the field of law enforcement spoke on a variety of subjects including guidelines governing police conduct, police discipline, and remedies for police abuse. This was followed by a field investigation and hearings in both Philadelphia and Houston. A statutory report will be issued based on an evaluation of the evidence assembled in the course of the consultation and the Philadelphia and Houston field investigations.

In 1979 the Commission issued an update of volume II of our enforcement series which was released in 1974. This sequel, entitled "A Decade of Fair Housing" evaluated the performance of those Federal departments and agencies which have fair housing enforcement responsibilities. As you will recall, during the first session of this Congress we testified in favor of S. 506, a bill to amend the fair housing law. Our Office of Federal Civil Rights Evaluation and our 10 regional offices are currently monitoring the implementation of the fair housing law.

One of the significant areas of inquiry by the Commission during 1979 has been religious discrimination. In this regard, we have begun monitoring Federal agencies' efforts to combat religious discrimination. Last spring we held a consultation on religious discrimination. Later in the year, the Commission held a consultation on civil rights—issues of Euroethnic Americans in the United States. As with previous consultations and conferences, representatives of the protected classes and relevant interest groups participated in developing the agenda.

The Commission's undocumented workers project is nearing completion. We are preparing to publish a statutory report based on evidence from field investigations, and State advisory committees factfinding committees in New York, California, and Texas and from Commission national hearings.

We are placing great emphasis in the next 2 years in the area of employment discrimination and affirmative action. Our second report on labor unions and equal employment opportunity is nearing completion. We are continuing the monitoring of affirmative action activities of Federal agencies following the two key civil rights decisions of *Bakke* and *Weber*.

In addition, with the help of our regional offices and 10 State advisory committees, we are beginning a program designed to provide us with evidence relative to the impact of the operations of the Equal Employment Opportunity Commission, Office of Federal Contract Compliance programs, and the Office of Personnel Management on public and private employers.

Our long-term study of unemployment and underemployment of minority and women continues. A new study of discrimination in employment patterns in upper management positions in private industry will begin in fiscal year 1981. Pursuant to a congressional request, we will complete in 1980 a study of the legal issues raised by elimination of the congressional exemption from Federal equal employment opportunity laws.

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We have utilized the process of holding consultations to explore new areas of study. In addition to the consultations previously noted on Euroethnics and religious discrimination, in fiscal year 1979 a consultation was held on the problems of Asian and Pacific Island Americans. We are in the process of reviewing the issues raised at those consultations for consideration and possible inclusion in future projects later this fiscal year.

We are assessing currently the material presented to us and the many recommendations made during our Euroethnic consultation to assess whether additional work is needed to comply with the Helms amendment added to our fiscal year 1980 authorization legislation.

We will also hold separate consultations this year on civil rights issues involved in the delivery of health services and on civil rights issues confronting the handicapped.

We have continued our work in the sex discrimination area. A consultation was held on the problems encountered by women victims of domestic violence in the criminal and civil justice systems upon which they must rely for relief. Last month we held hearings in Phoenix on this same subject. A second hearing will be held in Harrisburg, Pa. in June 1980. We will publish a statutory report in this area.

Congress, in extending the Older Americans Act of 1965, directed that a study be made of discrimination based on race and ethnicity and in federally assisted programs for elderly Americans, Public Law 95-478. Because this study has not been specially funded to date, the Commission has decided to authorize such a study in fiscal year 1981 out of regularly appropriated funds.

The study will examine the quantity and quality of minority participation and the planning and use of services available through federally assisted programs for older Americans. We expect to complete this study in time for the White House Conference on Aging in November 1981.

The report of the Commission's American Indian project which draws on information gathered during three hearings in previous fiscal years is near completion and will be issued this year.

We plan also to undertake a voting rights project geared to making information available to the Congress at the time it considers extension of the Voting Rights Act. The studies of discrimination in health, life, and disability insurance will continue, and the study of the effects of the energy crisis on minorities, women, the aged, and handicapped will begin.

State advisory committee activity in 50 States and the District of Columbia will continue to provide for citizen involvement in the Commission's programs and plans.

The U.S. Commission on Civil Rights relies upon our regional offices to provide staff support to our State advisory committees, to assist in our factfinding mission, to disseminate recommendations contained in Commission and advisory committee reports and to determine the impact of recommendations contained in such reports.

This Commission operates in an area which is constantly changing and the agency recognizes that it must maintain the ability to redirect programs in response to critical developments.

The Chairman, the other Commissioners and myself believe that the authorization requested is consistent with the work assigned to us by the Congress. We want to thank you for this opportunity to appear

before you today to discuss the Commission and its plans for fiscal year 1981.

I will be pleased to answer any questions you have concerning this authorization request or of the work of the Commission generally.

Senator BAYH. Thank you very much, Ms. Freeman. Have you received information concerning any Ku Klux Klan activities?

Ms. FREEMAN. Yes; we have. We have received reports of Klan activities. We have received such reports from our State advisory committees.

I would like to ask our staff director to further expand to give you a comprehensive answer.

Mr. NUNEZ. It is part of our responsibilities, Senator. You might know, that we have 10 regional offices around the country and we canvassed these offices and had them interview other Federal representatives as to what is going on specifically with groups like the Ku Klux Klan.

We have also met with representatives of the Department of Justice and private groups. At the present time, we are closely monitoring the activities of the Klan and have not yet made a determination as to how we want to proceed, but we are continuing to look at it.

It would appear to be a problem that seems to be increasing in its seriousness over the last several years.

Senator BAYH. I wish you would give your staff and the subcommittee a detailed accounting of any information you have and of your plans for investigating the Klan resurgence, if you would, please. I assume you have that information readily available. I would like to know pretty well, chapter and verse, what is happening out there.

I think there is an understandable reason for concern in the country today. Whenever we get in a situation such as that which we seem to have in the country now, where people are distressed about the basics; how to pay the bills; whether they are going to have a job, people tend to strike out at the unfamiliar, the less "American" segment of the population which results in the last-hired-first-fired kind of problem. While I think we may have anticipated what is happening and may understand it, I think we also have to try to quell this growing degree of hatred.

So if you could let us have a detailed analysis of what is happening here, I would like to know about that.

Mr. NUNEZ. We would be happy to supply for the record a status report of the results of our investigations around the country.

Senator BAYH. I would appreciate that. Following your report I would like to talk to the Justice Department about what, perhaps, we should do.

There are some other questions I have, and I think Senator Thurmond and Senator Hatch also have some questions for the record. If I could submit mine along with those and you could answer in writing, I would appreciate it very much.

Ms. FREEMAN. We will supply the answers.

Senator BAYH. We will do everything that we possibly can to cooperate with the Commission and to see that you continue to perform the very worthwhile services that you have rendered over the years for the country.

I appreciate your all taking the time to come up here and be here this morning.

Ms. FREEMAN. Thank you very much, Mr. Chairman.

Senator BAYH. Thank you very much. Give my very best to the chairman. Please tell him that I am not concerned over his absence.

Ms. FREEMAN. Thank you very much.

[Whereupon, at 10:08 a.m., the hearings were concluded, subject to the call of the Chair.]

[Attachments A, B, C, D, and E, and additional material subsequently submitted by Dr. Flemming follows:]

ATTACHMENT A

CIVIL RIGHTS ISSUES OF EURO-ETHNIC AMERICANS IN THE UNITED STATES: OPPORTUNITIES AND CHALLENGES

A Consultation Sponsored by the U.S. Commission on Civil Rights

December 3 and 4, 1979

AGENDA

CIRCLE CAMPUS
UNIVERSITY OF ILLINOIS

A CONSULTATION SPONSORED BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS

MONDAY, DECEMBER 3, 1979

9:00 a.m. **WELCOME AND INTRODUCTORY REMARKS**

Presiding: Dr. Arthur S. Flemming
Commission Chairman

I. AN OVERVIEW
Conceptual Considerations—Past, Present and Future

9:15 a.m. Irving M. Levine, Director
Institute on Pluralism and Group Identity
American Jewish Committee
New York, New York

9:45 a.m. Joan Aliberti, Consultant
Education and Social Services
Washington, D.C.

10:15 a.m. Kenneth J. Kovach, Director
Cleveland Urban Museum Project
The Ohio Historical Society
Cleveland, Ohio

10:45 a.m. John A. Kromkowski, President
National Center for Urban Ethnic Affairs
Washington, D.C.

11:15 a.m. **Commissioners' Response**

12:00 a.m. **LUNCH (no scheduled activity)**

II. HOUSING AND ETHNICITY

1:30 p.m. Arthur J. Naparstek, Director
Washington Public Affairs Center
University of Southern California
Washington, D.C.

1:50 p.m. Helena Lopata, Professor of Sociology
Department of Sociology
Loyola University
Chicago, Illinois

2:10 p.m. **Panel:** Peter Ujvagi, Commissioner
National Neighborhood Commission
Washington, D.C.

2:25 p.m. David Guttman, Director
Center for Study of Pre-Retirement and Aging
Catholic University
Washington, D.C.

2:40 p.m. John Carr, Executive Director
White House Conference on Families
Washington, D.C.

2:55 p.m. Richard Kolm, Professor of Social Services
School of Social Services
Catholic University
Washington, D.C.

3:10 p.m. **Commissioners' Response**

III. EDUCATION AND ETHNICITY

3:25 p.m. Francis Femminella, Professor of Sociology and Education
State University of New York
Albany, New York

3:45 p.m. **Panel:** James A. Banks, Professor of Education
University of Washington
Seattle, Washington

4:00 p.m. Georgia Theophillis Noble, Professor of Education
Simmons College
Boston, Massachusetts

4:15 p.m. Thomas Vitullo-Martin, Consultant and Visiting Professor of Education
University of Pennsylvania
Philadelphia, Pennsylvania

4:30 p.m. **Commissioners' Response**

7:00 p.m. **RECEPTION (cash bar)**

TUESDAY, DECEMBER 4, 1979

IV. SOCIAL SERVICES AND ETHNICITY

8:30 a.m. Marvin L. Rosenberg, Associate Professor of Social Planning
School of Applied Social Sciences
Case Western Reserve University
Cleveland, Ohio

8:50 a.m.	**Panel:**	William McReady, Professor of Sociology School of Social Services Administration University of Chicago Chicago, Illinois
9:05 a.m.		David Biegel, Director Neighborhood and Family Services Project Washington Public Affairs Center University of Southern California Washington, D.C.
9:20 a.m.		Joseph Giordano, Director Louis Kaplan Center on Group Identity and Mental Health American Jewish Committee New York, New York
9:35 a.m.	**Commissioners' Response**	
	V. ETHNIC WOMEN	
9:50 a.m.	Kathleen McCourt, Assistant Professor of Sociology Department of Sociology Loyola University Chicago, Illinois	
10:10 a.m.	**Panel:**	Galina Suziedelis, Research Assistant National Catholic School of Social Service Catholic University Washington, D.C.
10:25 a.m.		Laura Polla Scanlon, Assistant Professor of Writing and Speech Community College of NYC University New York, New York
10:40 a.m.		Jan Peterson, National Project Director National Congress of Neighborhood Women Brooklyn, New York
10:55 a.m.	**Commissioners' Response**	

VI. EMPLOYMENT AND ETHNICITY

11:00 a.m. Eleanor Holmes Norton, Chair
Equal Employment Opportunity Commission
Washington, D.C.

11:30 a.m. **Commissioners' Response**

11:45 a.m. **LUNCH (no scheduled activity)**

1:00 p.m. Frieda Shoenbert Rozen, Instructor of
Labor Studies
Department of Labor Studies
Penn State University
University Park, Pennsylvania

1:20 p.m. **Panel:** Russell Barta, Professor of
Social Services
Mundelein College
Chicago, Illinois

1:35 p.m. Father Lydio Tomasi, Executive
Director
Center for Migration Studies
Staten Island, New York

1:50 p.m. Esta Bigler, Labor Attorney
Bureau of Labor Services
New York, New York

2:05 p.m. **Commissioners' Response**

VII. COMMUNICATIONS MEDIA AND ETHNICITY

2:20 p.m. Richard Gambino, Professor of Education
and Philosophy and Director of
Italian American Studies
Queens College
New York, New York

2:40 p.m. **Panel:** Christine Noschese, Director
National Congress of Neighborhood
Women
Brooklyn, New York

2:55 p.m. Thaddeus L. Kowalski,
Commissioner
Illinois Commission on Human Rights
and Past President
Polish American Congress
Illinois Division
Chicago, Illinois

3:10 p.m. **Commissioners' Response**

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AGENDA

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TUESDAY, DECEMBER 4, 1979

VI. EMPLOYMENT AND ETHNICITY

11:00 a.m. Daniel E. Leach, Vice Chair
Equal Employment Opportunity Commission
Washington, D.C.

11:25 a.m. Leonard F. Walentynowicz
Executive Director
Polish American Congress
Washington, D.C.

11:45 a.m. LUNCH (no scheduled activity)

VIII. INTER-GOVERNMENTAL RELATIONS AND ETHNICITY

3:25 p.m. Myron Kuropas, Principal, Clinton Rosette Middle School, DeKalb, Illinois and Former Special Assistant to the President for Ethnic Affairs

3:45 p.m. **Panel:** Marcia C. Kaptur, Director of Policy
National Consumer Cooperative Bank
Washington, D.C.
and Former Assistant Director
Domestic Policy Staff
The White House

4:00 p.m. Paul J. Asciolla
Federal Agency Liaison
The National Endowment for the Arts
Washington, D.C.

4:15 p.m. Nampeo McKenney, Chief
Ethnic and Racial Statistics Staffs
Bureau of the Census
Washington, D.C.

4:30 p.m. **Commissioners' Response**

IX. WRAP-UP SESSION

4:45 p.m. Father Geno Baroni, Assistant Secretary
Office of Neighborhoods, Voluntary
Associations and Consumer Protection
Department of Housing and Urban Development
Washington, D.C.

5:00 p.m. Edward A. Marciniak, President
Institute of Urban Life
Chicago, Illinois

5:15 p.m. **Commissioners' Response**

5:30 p.m. **ADJOURNMENT**

Religious Discrimination: A Neglected Issue

A Consultation Sponsored by the
U.S. Commission on Civil Rights

April 9 and 10, 1979
Washington, D.C.

AGENDA

AGENDA

RELIGIOUS DISCRIMINATION: A NEGLECTED ISSUE

A CONSULTATION SPONSORED BY

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

MONDAY, APRIL 9, 1979

9:00 a.m. WELCOME AND INTRODUCTORY REMARKS

- Dr. Arthur S. Flemming, Commission Chairman

9:15 a.m. I. AN OVERVIEW OF RELIGIOUS DISCRIMINATION

- W. Melvin Adams, Director
  Public Affairs and Religious Liberty
  National Conference of Seventh Day Adventists
  Washington, D.C.

9:45 a.m. Commissioner Response

10:00 a.m. II. RELIGIOUS DISCRIMINATION IN EMPLOYMENT

A. Reasonable Accommodation, Undue Hardship, Affirmative Action, Enforcement, Recent Experiences

1. Equal Employment Opportunity Commission Overview

- Daniel E. Leach, Vice Chair
  Equal Employment Opportunity Commission

2. Office of Federal Contract Compliance Programs Overview

- Kenneth Patton, Chief
  Regulations and Procedures
  Office of Federal Contract Compliance Programs
  U.S. Department of Labor

10:45 a.m. 3. Response of Organization Representatives

- David Brody, Chairperson
  Task Force on Employment
  Leadership Conference on Civil Rights
  Washington, D.C.

- Dennis Rapps
  Executive Director & General Counsel
  National Jewish Commission on Law and Public Affairs
  New York, New York

- Steven Heard, Public Affairs Representative
  Church of Scientology
  Washington, D. C.

- Lee Boothby, Attorney
  National Conference of Seventh Day Adventists
  Washington, D. C.

11:30 a.m. — 4. Commissioner Response and Interaction of Presenters, Responders and Commissioners

12:00 noon — Luncheon Recess

1:30 p.m. — B. State Agency Experience

1. Complaints/Procedures

- Homer C. Floyd
  Executive Director
  Pennsylvania Human Relations Commission

- Arthur L. Green
  Executive Director
  Connecticut Commission on Human Rights and Opportunities

- Galen Martin
  Executive Director
  Kentucky Commission on Human Rights

- Mauricio R. Munoz, Jr.
  Commissioner
  California Fair Employment Practice Commission

- Thomas J. Peloso, Jr.
  Chief Deputy Director
  Michigan Civil Rights Commission

- Alton R. Waldon
  Deputy Commissioner
  New York State Division of Human Rights

3:00 p.m. — 2. Commissioner Response

3:30 p.m. — C. Executive Suite

1. Restrictions on Climbing the Management Ladder

- Ira Gissen
  Anti-Defamation League of B'nai B'rith
  New York, New York

- Seymour Samet
  American Jewish Committee
  New York, New York

- Michael Schwartz
  Associate Executive Director
  Catholic League for Religious & Civil Rights
  Milwaukee, Wisconsin

- Charles A. Reams, Jr.
  President
  The Humanist Association of the
  National Capital Area
  Washington, D.C.

4:30 p.m. 2. Commissioner Response

4:45 p.m. III. New Laws

A. American Indian Religious Freedom Act

- Walter Echo-Hawk, Staff Attorney
  Native American Rights Fund
  Boulder, Colorado

- Suzan Shown Harjo
  Special Assistant to Assistant
  Secretary of the Interior
  for Indian Affairs
  Office of the Secretary
  Department of Interior

B. Federal Employees Flexible & Compressed
Work Schedules Act of 1978

- Seymour Gettman, Chief
  Leave and Pay Administration Policy
  Office of Personnel Management

5:30 p.m. R E C E S S

TUESDAY, APRIL 10, 1979

9:00 a.m. IV. ADMINISTRATION OF JUSTICE

A. Rights of the Incarcerated (right to religious advisor, materials, diet, facilities, personal appearance, and recognition of religious status)

1. Federal Policy and Practice

- Clair A. Cripe
General Counsel
Bureau of Prisons
Department of Justice
Washington, D. C.

- Father Richard A. Houlahan
Administrator, Chaplaincy Services
Bureau of Prisons
Department of Justice
Washington, D. C.

- Larry Taylor
Warden
Federal Correctional Institution at Lompoc
Lompoc, California

9:45 a.m. 2. Commissioner Response

10:00 a.m. 3. State Policy and Practice

- William Collins
Director, Correctional Law Project
American Correctional Association
College Park, Maryland

Harold J. Smith
Superintendent
Attica Correctional Facility
Attica, New York

10:45 a.m. 4. Commissioner Response

11:00 a.m. 5. Religious Group Responders

- Alvin Bronstein
  Director, ACLU Prison Project
  Washington, D. C.

- Imam Khalil Abdel Alim
  World Community of Al-Islam in the West
  Washington, D. C.

- Marc Stern
  American Jewish Congress
  New York, New York

- Felix White, Jr.
  Executive Director
  Nebraska Indian Commission
  Lincoln, Nebraska

12:00 noon 6. Commissioner Response

12:15 p.m. WRAP-UP AND ADJOURNMENT

62-425 O - 80 - 4

Civil Rights Issues of Asian and Pacific Americans:

MYTHS AND REALITIES

May 8-9, 1979
Washington, D.C.
A Consultation Sponsored by the U.S. Commission on Civil Rights

AGENDA

10:00 a.m. C. Impact:

- Robert Mariano, Professor of Economics
  University of Pennsylvania and Visiting Professor
  University of California at Berkeley

- Nack Young An
  Professor of Political Science
  Georgia State University
  Atlanta

- Tom Kim, Director
  Korean Neighborhood Service Center
  San Francisco

10:30 - 10:50 Commissioners Response

10:50 a.m. III. WOMEN'S ISSUES

A. Poverty Perspective

- Irene Hirano, Director
  THE (To Help Everywoman) Clinic
  Los Angeles

B. Political Participation

- Rita Fujiki Elway, Principal and Partner
  Communication Design
  Seattle

C. Legal Issues

- Diane Yen-Mei Wong, Executive Director
  Washington State Commission on Asian
  American Affairs, Seattle

D. Military Wives/Emerging Roles of Asian Immigrant Women

- Bok Lim Kim, Project Director, Korean Child Studies
  Associate Professor
  School of Social Work, University of Illinois, Urbana

E. Health Issues

- Tin Myaing Thein, President
  Communicasia, Inc.
  San Diego

11:40 Commissioners Response

AGENDA

CIVIL RIGHTS ISSUES OF ASIAN AND PACIFIC AMERICANS:
MYTHS AND REALITIES

A CONSULTATION SPONSORED BY
THE UNITED STATES COMMISSION ON CIVIL RIGHTS

TUESDAY, MAY 8, 1979

8:30 a.m. WELCOME AND INTRODUCTORY REMARKS
- Dr. Arthur S. Flemming
Commission Chairman

8:40 a.m. I. AN OVERVIEW OF

A. Civil Rights in Asian/Pacific American Community

- Minoru Yasui, Executive Director
Commission on Community Relations
City and County of Denver

B. Consultation Focus: Identification of Issues

- Canta Pian, Acting Director
Division of Asian American Affairs, HEW

C. Federal Exclusionary Policy

- Ling Chi Wang, Professor of Asian Studies
University of California at Berkeley

9:10 - 9:30 Commissioners Response

9:30 a.m. II. CENSUS ISSUES

A. Policy:

- Nampeo D.R. McKenney, Chief
Ethnic and Racial Statistics Staffs, Population
Division, Bureau of Census
Washington, D.C.

9:40 a.m. B. Methodology:

- Fortunata Azores, Former Chair, Asian Census Advisory
Committee, Graduate Student, Urban Planning
University of California at Los Angeles

- Keewhan Choi, Statistical Division, Center for
Disease Control, HEW, Atlanta Regional Office

PACIFIC AMERICANS' CONCERNS

ADDENDUM

PANEL TWO 4:10 p.m.

The Honorable Antonio Won Pat, delegate from Guam is still in session on Capitol Hill. His staff Attorney, Miss Aurora Jose, will read the presentation on Employment.

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

ADDENDUM TO AGENDA

The following addition should be made to the Agenda included in the Consultation kit:

Wednesday, May 9, 1979, HOUSING ISSUES: C. Federal Policy 1:30-2:00

The Honorable Lawrence B. Simons, Assistant Secretary of Housing - Federal Housing Commissioner at Housing and Urban Development is going to address Federal Policy on Housing Issues in place of Father Baroni and Carolyn Chin.

12:00 noon — Luncheon Recess

1:00 p.m. — IV. IMMIGRATION ISSUES

A. Refugee Policy and Impact

-Pho Ba Long, Senior Research Associate
National Indo-Chinese Refugee
Clearinghouse
Arlington, Virgina

-Enrique de la Cruz
Director, Indochinese project
Pacific Asian Consortium in Employment (PACE)
Los Angeles

-Jan Lee Wong, Director
Indochinese Community Health & Education Project
San Diego

-Julia Vadala Taft, Consultant
New Transcentury Foundation
Washington, D.C.
Former Director Refugee Resettlement Project

1:40 — B. Undocumented Aliens

-David North, Director
Center for Labor and Migration Studies
New Transcentury Foundation
Washington, D.C.

1:50-2:10 — Commissioners Response

2:10-2:30 — C. Policy Impact and Strategies

-Dorothy Cordova, Director
Demonstration Project for Asian Americans
Seattle

-Twan Nguyen, Associate Director
Program Service Evaluation, District 5
Health Center, San Francisco

2:30 — D. Policy

-Hon. Leonel J. Castillo, Commissioner
United States Immigration and Naturalization Service
Washington, D.C.

-Shirley Hune, Assistant Professor, Sociology/
Anthropology, on leave from University of the District
of Columbia, presently researcher at United Nations

-William Hing, Immigration Attorney
San Francisco Legal Services and Professor of
Immigration Law, University of San Francisco

3:00-3:20 Commissioners Response

V. PACIFIC AMERICANS' CONCERNS

3:20-3:55 A. Panel One

1. Overview

Faye Untalan Munoz, Director
Racial Minority Mental Health Training Program
WICHE, Boulder, Colorado

2. Federal Policy

Ruth Van Cleve, Director
Office of Territorial Affairs
Department of the Interior
Washington, D.C.

3. Census and Immigration

Paige Kawelo Barber
Field Administrator
ALU LIKE, Inc.
Honolulu

3:55-4:10 Commissioners Response

4:10-4:45 B. Panel Two

1. Employment

Antonio Won Pat, Delegate
Guam

2. Health and Social Services

Juan Rosario, President
Federation of Guamanian Associations of America
Milpitas, California

3. Education

Elam Hertzler
Ombudsman for State education agencies
Office of Education, HEW
Washington, D.C.

Pat Luce, President
Office of Samoan Affairs
San Francisco

4:45-5:00 Commissioners Response

VI. EDUCATION ISSUES

5:00 p.m. A. Report of Asian and Pacific American Education Conference at San Francisco, April 25-27, 1979

- Stephen Thom, Director
Asian and Pacific Concerns Staff, Office of Education, HEW
Washington, D.C.

B. Impact of Policy, Programs and Enforcement on the Educational Needs of Asian Americans

- Ling Chi Wang, Professor of Asian Studies
Department of Education, Unviersity of California at Berkeley

5:35 p.m. Commissioners Response

RECESS

6:30-8:30 Informal Reception (cash bar) - International Inn, Jefferson Monroe Room

62-425 O - 80 - 5

WEDNESDAY, MAY 9, 1979

8:30-9:10 VII. EMPLOYMENT ISSUES

A. Myths and Realities:

- Amado Cabezas
  Asian American Service Institute for
  Assistance to Neighborhoods (ASIAN, Inc.)
  San Francisco

- Manoranjan Dutta, Professor of Economics
  Rutgers University, New Jersey

- Setsuko Matsunaga Nishi, Professor of Sociology
  Brooklyn College and City University of New York
  New York

- Joseph Chung, Professor of Economics
  Illinois Institute of Technology
  Chicago

9:10-9:25 Commissioners Response

B. Strategies:

- Henry Der, Director
  Chinese for Affirmative Action
  San Francisco

- Abraham Shen, Director
  Chinatown Planning Council
  New York

- Anthony Khang, Associate Professor of
  Industrial Relations
  New Jersey Institute of Technology

- William Leong, Executive Director
  Chinese Economic Development Council
  Boston

10:05-10:20 Commissioners Response

10:20-10:50 C. Federal and State Policy:

- Armando M. Rodriquez, Commissioner
  Equal Employment Opportunity Commission
  Washington, D.C.

- Dale Minami, Attorney
  Employment and Civil Rights
  Oakland

- Betty Lim Guimares, Commissioner
  California Fair Employment Practices Commission
  San Francisco

10:50-11:05 Commissioners Response

VIII. HOUSING ISSUES

11:05 a.m. A. Impact

- Kerry Doi
  Pacific Asian Consortium in Employment
  (PACE)
  Los Angeles

- Harold Lui, Chinatown Planning Council
  New York

- David Ilumin, Director
  West Bay Multi Service Corporation
  San Francisco

11:35-11:50 Commissioners Response

B. Strategies and Remedies

11:50-12:20

- Gordon Chin
  Chinatown Neighborhood Center
  San Francisco

- Robert Santos, Executive Director
  International District Improvement Association
  Seattle

- Jay Kim, Attorney
  Chicago

12:20-12:35 Commissioners Response

12:35-1:30 LUNCH

1:30-2:00 C. Federal Policy

- Msgr. Geno Baroni, Assistant Secretary for Neighborhoods
  Department of Housing and Urban Development
  Washington, D.C.

- Carolyn Chin, Special Assistant to the Secretary
  Department of Housing and Urban Development
  Washington, D.C.

- Jerome Riffel
Director of Housing Litigation
Legal Aid of Western Missouri and
City Councilman
Kansas City, Missouri

2:00-2:15 Commissioners Response

2:15-2:55 IX. HEALTH AND SOCIAL SERVICES ISSUES

A. Mental Health Issues

1. Mental Health Planning
Kenji Murase, Professor
Department of Social Work Education
San Francisco State University and
Pacific Asian Coalition Mental Health
Concerns Investigator
San Francisco

Federal Policy

2. Pat Okura, Director, International Division
National Institute of Mental Health
Rockville, Maryland

3. Recruitment and Training of Personnel for Services to Asian/Pacific American Community
Stephen Shon
San Francisco Multi-Service Center

4. Impact on Community and the Development of Mental Health linkages
Evelyn Lee
South Cove Health Center
Boston

2:55-3:10 Commissioners Response

3:10-4:00 B. Community Services

1. Elderly
Sandy Ouye, Director
Kimochi Senior Services Center and Chair, Board of Directors, United Japanese Community Services
San Francisco

2. Community and Housing
Larry Koseki, Deputy Director
State Department of Social Services and Housing
Honolulu

3. Manpower Trends and Health Planning
Kinzo Yamamoto, Director
Analysis and Evaluation
Health Resources Administration, HEW
Hyattsville, Maryland

4. Models of Community Services
   Helen Hayes, Director
   Chinese Cultural Center, D.C.
   Washington, D.C.

5. State and Local Policy
   Victorina Peralta, Director Adult Services
   City of Philadelphia Social Services Department
   Philadelphia

ATTACHMENT B

Excerpt From February 1976 Status Report on Commission Recommendations Made From 1972–75

The Federal Civil Rights Enforcement Effort—1974, Volume V: To Eliminate Employment Discrimination

Equal Employment Opportunity Commission (EEOC)

Action taken	*Recommendation*
None apparent	78. With the exception of the Chairman, specific reponsibilities should be developed for the EEOC Commissioners.
Adopted	79. EEOC should be reorganized so that the Executive Director has full line authority over all staff components of the agency with the exception of the Office of General Counsel. (The Commission approved, on August 12, 1975, such a reorganization plan.)
None apparent	80. EEOC should revise its personnel system and methodology to ensure that staff vacancies are filled expeditiously.
None apparent	81. Special priority should be placed on the processing of complaints against State and local governments. Units should be established in EEOC regional Offices to consolidate and process such complaints.
Action pending	82. Pre-investigative analysis of incoming complaints should be the responsibility of staff of the same grade level as investigators. (EEOC plans to upgrade those positions responsible for pre-investigative analysis.)
None apparent	83. All complainants whose complaints have been pending for more than 180 days should be notified of their right to sue. Priority should be given to locating private attorneys to represent those complainants.
Adopted in part	84. EEOC should routinely do followup reviews of at least 25 percent of its conciliation agreements. Violations which cannot be corrected informally should be referred to the Office of General Counsel (OGC) for litigation. (EEOC has allocated, for fiscal year 1976, 5 percent of field compliance resources to monitoring conciliation agreements; agency regulations require automatic referral to OGC upon failure to obtain voluntary adherence to conciliation agreements.)
Adopted	85. Complainants should be permitted to file with EEOC objections to findings made by State and local agencies to which their complaints have been deferred. (Charging parties may informally object to State and local findings; EEOC reviews the record with closer scrutiny in such cases. There is, however, no provision in the regulations for a formal reconsideration upon such objections.)
None apparent	86. EEOC should periodically evaluate each State and local agency to which it defers charges to ensure that the work product of the agency is consistent with EEOC's standards.
None apparent	87. In order to promote adequate enforcement by State and local agencies, EEOC should be appropriated sufficient funds to subsidize such agencies according to the number of Title VII cases processed.
Adopted in part	88. EEOC should concentrate its efforts on attacking systematic discrimination by initiating more enforcement actions against major employers and industry leaders. (EEOC's program plan calls for an allocation of 30 percent of field resources to attacking systematic discrimination.)

ATTACHMENT B—Continued

Action taken	Recommendation
Adopted	89. The Office of the General Counsel should give priority to attacking systematic discrimination by filing more cases, under Section 707 of the Act, against major national and regional respondents and against entire industries. (EEOC is currently processing approximately 40 new Section 707 cases.)
None apparent	90. The National Programs Division (NPD) should be expanded, and top management should give its activities more aggressive support.
None apparent	91. Units similar to NPD should be established in the regional offices to consolidate and process charges against major regional respondents. Such units should be allocated 50 percent of field resources.
Action pending	92. The Office of the General Counsel should work closely with field enforcement staff in identifying incoming complaints with good litigative potential. Attorneys should oversee the investigation of these complaints. (EEOC Regional Directors and Regional Attorneys have recently met to develop joint instructions for implementing this type of coordination.)
None apparent	93. The litigation centers should be abolished and a branch of the Office of the General Counsel established in each regional office.
None apparent	94. EEOC should use the data it collects on minority and female participation in the work force to target major employers, labor unions, and employment agencies for determining when to file Commissioner charges.
Adopted	95. Increased use should be made of Commissioner charges, especially with regard to major national and regional respondents. (The number of Commissioner charges has increased since such charges provide the basis for the General Counsel's 707 program.)
None apparent	96. Increased use should be made of Commissioner charges with regard to respondents such as employment agencies, against which relatively few complaints are received.
None apparent	97. EEOC should include representatives of affected classes of employees in negotiations for future consent decrees.
None apparent	98. The inclusion in consent decrees of provisions which seriously limit the ability of employees to obtain private legal relief should be avoided.
Action pending	99. EEOC should allocate sufficient staff resources to assure that compliance with consent decrees is systematically monitored. (OGC has begun to designate certain units as responsible for monitoring of consent decrees.)
Adopted	100. EEOC should not enter into voluntary agreements which do not impose the same requirements and standards as its conciliation agreements and consent decrees and are not fully court enforceable. (EEOC has consolidated the Voluntary Programs Office into the Office of Compliance to ensure that the standards of voluntary and conciliation agreements are the same.)
Adopted	101. Since the standards for voluntary agreements should be the same as for conciliation agreements and consent decrees, responsibility for voluntary agreements should be transferred to the Office of compliance and the Office of the General Counsel. (See Item 100 above.)
None apparent	102. The function of the Office of Voluntary Programs should be only to provide technical assistance to employers.

ATTACHMENT B—Continued

Equal Employment Opportunity Coordinating Council (EEOCC)

Action taken	Recommendation
None apparent	103. The Council should be abolished.

Extension Service (ES)

Department of Agriculture (USDA)

Action taken	Recommendation
Partial action pending	4. USDA should issue regulations outlining what constitutes nondiscrimination on the basis of race, ethnicity, and sex in the employment and programs of its recipients. (Although USDA's Office of Equal Opportunity (OEO) proposed that its Title VI regulations be extended to prohibit sex discrimination USDA's federally assisted programs, USDA's Office of General Counsel rejected the proposal. OEO appealed the rejection to DOJ on October 29, 1975, but DOJ has not yet responded.)
None apparent	5. USDA should set criteria for determining what types of bilingual services should be provided and when it is necessary to provide them to beneficiaries or potential beneficiaries.
Adopted	6. USDA should set standards for participation of minority groups and women on planning and advisory committees. (USDA amended its regulations pertaining to advisory committee management (C.F.R. § 25.15(e), September 11, 1975) to state that minorities and women should be represented on advisory committees in "reasonable proportion" to the degree affected by the program.)
None apparent	7. USDA's standards for participation of minority groups and women on planning and advisory committees should call for a reflection of minorities and women in the surrounding population.
None apparent	8. USDA should evaluate criteria for selecting advisor board members to ensure that they are nondiscriminatory.
Action pending	9. USDA should set standards for site selection of recipients' offices and facilities to ensure that they are equitably accessible to all racial and ethnic groups. (USDA has issued a proposed memorandum calling for a consideration of accessibility to housing available to all when selecting locations for country ES offices.)
Rejected	10. USDA should require its recipients to inform beneficiaries of their right to be served without discrimination on the basis of sex. (USDA recently removed such notification from standard USDA posters because USDA believes it lacks the authority to prohibit sex discrimination in all USDA-funded programs.)
None apparent	11. USDA should require that beneficiaries be informed that complaints can be filed with the State Extension Services as well as appealed to the Department itself. (USDA's equal opportunity posters merely instruct potential complainants to write to the Secretary of Agriculture.)
Rejected	12. USDA should upgrade the offices responsible for securing non-discrimination in federally-assisted programs.
None apparent	13. USDA should appoint a chief Title VI official at a grade level equivalent to top program administrators and who would report directly to the agency head.

ATTACHMENT B—Continued

Action taken	*Recommendation*
None apparent	14. USDA should hold State agencies administering federally-funded programs accountable for securing subgrantees' compliance with civil rights requirements.
Rejected in part	15. USDA should develop an annual reporting system requiring recipients to submit data, cross-tabulated by race, ethnic origin, and sex on program participants, potential beneficiaries and applicants. (Although USDA's Title VI regulations have always called for such data by race and ethnicity, USDA does not consider the prohibition of sex discrimination within its jurisdiction.)
None apparent	16. USDA should develop a procedure for targeting recipients for onsite review which would take into consideration the degree of discrimination, incidence of complaints, and novel issues of the law.
None apparent	17. USDA should develop techniques for measuring the quality of services in all USDA-funded programs and facilities.
None apparent	18. USDA should require its recipients to undertake the data collection necessary for such measurements, and incorporate the analysis of those data into an equal opportunity plan.
None apparent	19. This plan should also contain goals and timetables for remedying deficiencies identified in the analysis. (USDA requires timetables for general improvement of conditions but does not require numerical goals.)
None apparent	20. Upon targeting a recipient for review, USDA should require that recipient to submit its equal opportunity plan and supporting data.
None apparent	21. Within 30 days of receipt of these plans USDA should determine whether the recipient should be reviewed onsite and immediately notify the recipient.
None apparent	22. USDA should, within 60 days of obtaining all information necessary for the investigation, inform the recipient and any complainant of preliminary determination of compliance.
None apparent	23. The recipient should be provided with a 30-day period to offer any additional information.
None apparent	24. USDA should be required to make a final determination of the recipient's compliance status within 30 days of notice of a preliminary determination or within 30 days of the receipt of any additional information.
None apparent	25. USDA should require that all complaints be resolved within 180 days of their receipt.
None apparent	26. Every complainant should be informed of the right to request and receive a notice that administrative remedies have been exhausted 180 days after the filing of the complaint.
None apparent	27. Upon determination of noncompliance USDA should be required to include the findings of fact in support of the determination and timetables for implementing actions necessary for compliance.
None apparent	28. Within 60 days of notification of a determination of noncompliance USDA should require the recipient to submit a report on its implementation of the actions needed to correct the determination of noncompliance.
None apparent	29. USDA should establish a system of reporting in order to follow up all voluntary agreements to achieve compliance. Reports should be required semiannually for the first two years and annually thereafter.

ATTACHMENT B—Continued

Action taken	*Recommendation*
None apparent	30. USDA should initiate enforcement proceedings 60 days after providing a recipient with notice of noncompliance if the recipient has failed to submit a plan for coming into compliance, or 30 days after an unacceptable plan has been submitted.
None apparent	31. USDA should take immediate enforcement action against all outstanding cases of noncompliance.

ATTACHMENT C

Publications Related to Affirmative Action [1]

USCCR PUBLICATIONS

Twenty Years After Brown. 1974, 1975.
The Federal Civil Rights Enforcement Effort—1974, Vol. V, To Eliminate Employment Discrimination. 1975.
Minorities and Women as Government Contractors. 1975.
Statement on Affirmative Action for Equal Employment Opportunities. 1973.
Statement on Affirmative Action. 1977, 1978.
Making Public Employment a Model of Equal Opportunity. 1974.
Affirmative Action in Employment in Higher Education. 1975.
Last Hired, First Fired: Layoffs and Civil Rights. 1977.
The Challenge Ahead: Equal Opportunity In Referral Unions. 1976.
Women and Poverty. 1974.
Window Dressing on the Set: Women and Minorities in Television. 1977.
Window Dressing on the Set: An Update. 1977.
The Federal Civil Rights Enforcement Effort—1977, To Eliminate Employment Discrimination: A Sequel. 1977.
Social Indicators of Equality for Minorities and Women. 1978.
Discrimination Against Minorities and Women in Pensions and Health, Life, and Disability Insurance. 1978.
Toward an Understanding of Bakke. 1979.
Women—Still in Poverty. 1979.

SAC PUBLICATIONS

Where Are Women and Blacks? Patterns of Employment in Alabama Government. 1979.
Obstacles to Financing Minority Enterprises. 1974.
Employment Discrimination in the Construction Industry in Baltimore. 1974.
Indian Employment in New Mexico State Government. 1975.
Hispanic Participation in Manpower Programs in Newark, New Jersey. 1976.
Equal Employment Opportunity at the State University of New York. 1976.
State Government Affirmative Action in Mid-America. 1978.
Behind the Scenes: Equal Employment Opportunity in the Motion Picture Industry. 1978.
Affirmative Action in Salt Lake's Criminal Justice Agencies. 1978.
Affirmative Action or Inaction? The Pursuit of Equal Employment Opportunity in Cleveland. 1977.
The Quest for Equal Employment Opportunity in Oklahoma State Government. 1978.
A Paper Commitment: Equal Employment Opportunity In the Kentucky Bureau of State Police. 1978.
Bridging the Gap: A Reassessment. 1978.
Private Sector Affirmative Action: Omaha. 1979.
Indian Employment in Arizona. 1975.

[1] Selected from the Catalog of Publications, USCCR, September. 1979. List does not include publications out of print.

ATTACHMENT D

Proposed and Current Projects on Affirmative Action

1. *National affirmative action project.*—This project is designed a) to obtain clear descriptions of intended processes through which affirmative action plans are required and reviewed by the Federal government and b) to measure the degree to which government officials and related public interest groups, employees and the public perceive the implementation process and how it corresponds to the descriptions required. By the end of April, ten of the Commission's State Advisory Committees will have held factfinding meetings which have included witnesses from all the above groups.

2. *Affirmative action statement.*—This will be an update of our 1977 Statement. Commission staff is presently preparing the statement design.

3. *Affirmative action project.*—The Commission is currently planning a project, to be combined with our Statement, aimed at re-assessing the status of affirmative action following the Supreme Court's decision in the *Bakke* and *Weber* cases. The project design is still being revised.

4. *Equal employment in upper management positions.*—This is a project for the upcoming fiscal year designed to examine minority participation in upper management positions in private industry.

5. *Affirmative action monitoring.*—The Commission intends to use its entire infrastructure, including regional offices, to monitor developments in affirmative action and for possible use in the upcoming Statement.

ATTACHMENT E

U.S. COMMISSION ON CIVIL RIGHTS—STAFF COMPOSITION BY GRADE LEVEL, SEX, RACE, AND ETHNIC GROUP (PERMANENT EMPLOYEES) AS OF APR. 11, 1980

Grade	Male					Female					Total
	Native American	Asian American	Black	Hispanics	White	Native American	Asian American	Black	Hispanics	White	
Level V				1							1
ES-5			1								1
ES-4			1		3			1		2	7
15			3	3	6		1	1	1	2	17
14		1	5	3	11			2	3	4	29
13		1	5		10		2	8	1	12	39
12		2	8	8	9	1	3	14	1	14	59
11		1	4	2	4		1	7	4	2	26
10								1			1
9		1	3		1			9		2	16
8			1					3			4
7			1					18	3	3	25
6			1					16	2	1	20
5			3					14	4	2	23
4			2	1				5		1	9
3								1	1		2
2											0
1											0
WG			2								2
Total	0	6	40	18	44	2	6	100	20	45	281

Report to the Senate Judiciary Committee Subcommittee on the Constitution—Re-Emergence of the Klan

After receiving numerous reports of violence in connection with Klan activities and because of a generally heightened perception and concern about hate groups by civil rights groups and community organizations, the Commission on Civil Rights began a review of hate group activity in the Fall of 1979. As directed by the National Office, each of the agency's ten regional offices, with the help of State Advisory Committee members, submitted a report of Klan activities within its region. To prepare those reports, the Commission regional staff reviewed media

reports and contacted regional staff members of the FBI, the Community Relations Service (CRS) of the Department of Justice, local civil rights organizations and agencies. A summary of regional office reports was prepared for the Commissioners, and transmitted on February 1, 1980. The summary, which is attached, describes Klan activities throughout the country as of January 1980. The Anti-Defamation League of B'nai B'rith has collected what may be the most comprehensive recent material on Klan activities and published it in the November 1979 issue of its newsletter FACTS, a copy of which is also attached. In addition, CRS shared with the Commission its report on Klan activities dated September 28, 1979.

After receiving the report from the field offices, the Commissioners were briefed informally by Assistant Attorney General Drew Days, III whom the President has placed in charge of monitoring the resurgence of the Klan. Mr. Days mentioned measures the Justice Department had taken. He also noted that the National Minority Advisory Council on Criminal Justice (NMACCJ), an adjunct to the Law Enforcement Assistance Administration, had held hearings on Klan activities in Birmingham, Alabama and Anaheim, California. Copies of the hearing reports are also attached.

The Commissioners questioned Mr. Days about the current policy of the FBI not to survey Klan activity, but only to investigate Klan incidents after the fact. Mr. Days and the FBI confirmed that the Domestic Security Guidelines of 1976 currently are being reviewed to determine whether they allow greater flexibility than the FBI perceives.

The Commission is very interested in knowing what kind of responses the Civil Rights Division and U.S. Attorneys are making to incidents of racial violence in which organized hate groups appear to be involved. It has asked its Advisory Committees in Louisiana (the home of Klan rivals David Duke and Bill Wilkinson) and Oklahoma (where Klan recruitment on college and public school campuses reportedly is active) to make special reports on hate group activity. The Indiana Advisory Committee has focused on Klan activity reported in the Muncie area. In February 1980, Advisory Committee Chair Harriette B. Conn communicated the committee's concerns to the Muncie Human Rights Commission. The following month that commission's executive director attended the Advisory Committee's meeting and delivered a detailed report on Klan activity. The Committee has decided to hold its July 1980 meeting in Muncie. In addition, Advisory Committees in several southeastern States have indicated their intent to continue monitoring and reporting on this issue.

The Commission on Civil Rights plans to continue monitoring incidents of racial violence, especially those involving organized hate groups. Regional offices and Advisory Committees are providing regular reports on the subject. If action by the President or the Attorney General appears warranted, the Commission will make recommendations to that effect.

Attachment.

MEMORANDUM TO THE COMMISSIONERS

From: Louis Nunez.
Subject: Office of regional programs report on racial violence.

As the attached report from the Office of Regional Programs indicates, current data-keeping by the Department of Justice relative to incidents of racial violence is not altogether clear. I will attempt to arrange a meeting with Drew Days to discern what the Department is doing in this regard. (President Carter, in a recent speech to the Leadership Conference on Civil Rights, indicated that Mr. Days had the responsibility for monitoring the embryonic resurgence of the Ku Klux Klan.) The issue of the reemerging KKK is a serious matter that we will monitor carefully.

I am instructing the regional directors to include information on racial incidents in their regular reporting. We will also continue to respond to individual incidents whenever it appears that our involvement is necessary or helpful.

Attachment.

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., January 21, 1980.

Reply to attention of: ORP.
Subject: Racial violence and organized hate groups.
To: Louis Nunez, Staff Director.
Through: John Hope, III, Deputy Staff Director.

Per your instructions, I directed each regional office to conduct an inquiry into the level of racial violence, and to ascertain the extent of involvement by organized groups such as the KKK and the Nazis. The inquiries included interviews with

regional officials of the Community Relations Service and the FBI. The reports indicate that the FBI holds very little information on racial violence, reportedly because post-Watergate regulations restrict domestic surveillance. CRS reports that, while the incidence of racial violence seems to have increased, there is little evidence to indicate involvement of the Klan or the Nazis. Regional staff invariably found that the Anti-Defamation League of B'nai B'rith was by far best informed on the subject.

Our review tended to corroborate the ADL assessment made in November 1979: In terms of numbers, Klan resurgence is still slight. Its growth is occuring largely in the South, under the leadership of David Duke (Knights of the KKK) and Bill Wilkinson (Invisible Empire, Knights of KKK). In the North, Klan membership has actually dropped since 1978. Crossburnings and anti-Semitic acts by local bigots have increased. This mimicry (and thus implicit acceptance) of Klan behavior is more disturbing to many than the relatively miniscule size of Klan membership.

The regional reports are summarized below. Many of the reports noted the lack of hate group monitoring by any Federal agency. For several years the FBI has kept no investigative files on racial hate groups prior to receiving concrete evidence of a violent act of crime. CRS is also in a passive/reactive position in that it can only become involved when invited by the local community to resolve a conflict. In May 1979, FBI officials discussed Klan resurgence with Messrs. Civiletti and Days, but reportedly came to no conclusions. It would appear that the Commission could suggest better intelligence by Justice. The FBI could include "incidents of racial or intergroup violence" in its regular reporting. Or Justice could require its U.S. Attorneys to report regularly on such incidents. At least one local official, the City Administrator of Plainfield, New Jersey, has recognized the need for "a larger law enforcement agency" to determine whether racial incidents are "local" or triggered by outsiders.

This Commission has often responded to local racial problems, particularly through State Advisory Committee projects. Current projects in Greensboro, North Carolina; San Jose, California; Tama, Iowa and Yonkers, New York represent such responses. With respect to monitoring racial violence and the KKK, I think it wise to heed the counsel of many of the sources for this report: the Klan and the Nazis welcome publicity, and we would be playing into their hands by investigating them now. The Commission is ostensibly prohibited from investigating the membership practices, or internal operations, of these groups (cf. October 29, 1979 memorandum of the Staff Director to the Commissioners). We will continue to observe racial violence and report as circumstances warrant. Each month a regional director makes an annual report to the Commissioners which includes this kind of information. Advisory Committees respond to events which occur in their States. It does not appear that the KKK has made serious inroads into any institution (e.g., the military, prisons, schools). If economic conditions were to suddenly worsen, this of course could quickly change. For the present, however, I would recommend only that the Commission consider making a recommendation to the Justice Department that incidents of racial violence be recorded, and, if circumstances warrant, be monitored as to their organizational character. To focus more attention than this on the Klan or the Nazis seems ill-advised.

REGIONAL REPORTS

Region I—Boston.—In New England racial violence has increased but is regarded as the work of individuals, not groups. One State human rights agency (Connecticut) has held hearings on racial violence, and expects to report its findings in February. In Boston two groups, the South Boston Information Center and the South Boston Marshals, grew out of anti-busing concerns; David Duke maintains contact with the latter at least. Duke recently visited Connecticut and Massachusetts to recruit Klan members and hype his presidential campaign. Bill Wilkinson came to Seabrook, New Hampshire and Boston in October 1979, but admitted the Klan has not been popular in the North since the 1920s. A third Klan, led by Tom Cruickshank of Lawrence, Massachusetts, claims to be more interested in reversing recent U.S. Supreme Court decisions than in fighting blacks. He dissociates himself from the inflammatory literature David Duke's group distributes. Klan literature published out of Enfield, Maine exhibits a heavy anti-Semitic content.

Region II—New York.—Racial and religious (anti-Jewish, anti-Catholic) incidents are increasing but no organized base is suspected. The New York City HRC investigated more than 20 incidents in the past 6 months, and conjectures

that many others were not reported. The Suffolk County HRC estimated a five-fold increase in incidents. Most concern vandalism against private homes, synagogues, and cemeteries. In upstate New York (Buffalo, Rochester, Syracuse) Klan activity has diminished, due in part to aggressive counteractions by Dr. Robert Pritchard of the Pan America Association, who drew attention to Klan activities, especially among prison guards.

Southern New Jersey has been the scene of Klan activity, including visits by Duke. Police in the northern city of Plainfield suspect outside influences in recent racial incidents. The New Jersey State Police note renewed Klan activity after a hiatus of several years.

Region III—District of Columbia.—Regional staff speculates that the ADL report may underplay Klan activity in the North, and notes recent recruiting efforts in Wheeling, West Virginia, Virginia Beach, Virginia and Pittsburgh. CRS reported responding to 24 racial incidents in the past 2½ years, the vast majority not related to Klan activity. Staff suggests that local leadership is important in mimimizing Klan-type activity; inappropriate media attention and violent reactions by militant anti-Klan groups exacerbate the situation.

Region IV—Atlanta.—Staff observes that the basic pattern of Klan behavior in the South is for relatively small Klan cadres to attract much larger numbers to planned demonstrations, which are often called to confront a civil rights group. Police responses to the mass demonstrations have been uneven; whenever police were prepared to exercise effective crowd control, demonstrations remained peaceful. Usually this required calling in State authorities to help.

Region V—Chicago.—A January 9, 1980 meeting with CRS and the FBI revealed that no major Klan incidents have occurred in the region. There is Klan activity, however, centered primarily in Indiana, which many consider the original home of the KKK.

Region VI—San Antonio.—Klan activity fluctuates widely in the Region from practically nonexistent in New Mexico to most intense in Louisiana, the home of both Duke and Wilkinson. Both Klan leaders are young (Duke 28 and Wilkinson 37) and willing to travel widely and recruit aggressively. Their styles contrast, with Duke couching his racism in intellectual argument taking advantage of the media and recently the electoral process to publicize his efforts. The Klan has been active distributing literature in Gramercy, Louisiana, site of the Kaiser plant, where Brian Weber works, and in forming chapters in high schools (Oklahoma and Louisiana) and on university campuses (Arkansas). State prison officials in Texas observe Klan organizing has taken place among both guards and inmates. That State has also seen Klansmen attempt (late 1977) a vigilante action to patrol the Rio Grande border.

Observers believe that at least 12 distinct Klan groups are active in the region. The number of women involved has increased significantly since 1977.

Region VII—Kansas City.—While the Missouri "bootheel" has long been a Klan stronghold, recent recruitment efforts have tried to extend across the state. The New Order of the Knights of the KKK, headed by Rev. James L. Bety (Overland, Missouri) claims to have staged meetings or rallies in 13 Missouri towns during 1979. Bety has attracted little or no following. Columbia, Missouri and Wichita, Kansas passed anti-mask ordinances over ACLU objections. Wichita's was repealed effective October 31, 1979.

Nazi groups have been active in St. Louis, Kansas City, Kansas and Lincoln, Nebraska. They have been fragmented and small, effective only in attracting media attention.

As in other regions federal officials noted the continuing occurrence of racial incidents, but refused to link them to organized groups.

Region VIII—Denver.—Very little Klan activity has been reported and that in only one of the six states. Three Colorado locations (Denver, Colorado Springs and Ft. Carson) have chapters of the Duke group. Small Nazi units also exist in Denver and Colorado Springs. Sources indicate little activity elsewhere, although the Minutemen are being investigated by the FBI for their alleged role in a nationally circulated letter threatening violence to Iranian persons in the United States.

Region IX—Los Angeles.—Despite some highly visible activities at scattered sites across California, authorities believe the KKK has little following in the region. It is seeking maximum media attention in an attempt to assist its recruitment efforts.

Region X—Seattle.—Representatives from CRS, FBI, and ADL agreed that no organized racist activity exists in the region. Crossburnings have occurred, including one at a military installation, but no link with the Klan was observed.

Two local groups are active in Washington state, Posse Comitatus and the Interstate Congress for Equal Rights and Responsibilities. The former is a vigilante group that offers unsolicited "assistance" to police officers making arrests. The latter appears more interested in lobbying Congress to abrogate Indian treaty rights relative to water, hunting, fishing and law enforcement. At the King County jail (Seattle), a group of guards allegedly has a "Hitler fan club."

THOMAS L. NEUMANN,
Assistant Staff Director for Regional Programs.

MEMORANDUM

NOVEMBER 6, 1979.

To: National Minority Advisory Council on Criminal Justice (NMACCJ).
From: ALNA research staff.
Subject: Analysis of Council hearing.

Enclosed are the major ideas, observations, issues and concerns expressed at the recent NMACCJ public hearing held in Anaheim, California on Saturday, October 20.

The first portion of this report is an analysis based on the hearing's transcript—while the second element is a critical summation of the major points raised at the hearing. An addendum of one petition and two resolutions is included at the conclusion of this report.

Hearing location: Anaheim, Calif.
Hearing date: Saturday, October 20, 1979.
Subject: Collective violence and harassment against minorities.

NMACCJ members conducting the Anaheim public hearing on October 20th at the Disneyland Hotel regarding collective violence and harassment against minorities included:

Mr. Salvador D. Baca, hearing chairman; Dr. Lee P. Brown, chairperson, NMACCJ; Mr. Federico Costales, NMACCJ member; Ms. Rose Matsui Ochi, vice chairperson, NMACCJ; Mr. Alan G. Boyd, Staff Director, NMACCJ; and Mr. Bernardo Segura Giron, Law Enforcement Assistance Administration Representative.

Mr. Tony Casas, Deputy Director, California Department of Corrections:

1. There is a new organization called "Losers" who are employees of the California Department of Corrections and they are designed to combat the effects of affirmative action.
2. They manipulate prisoners and minorities.
3. The corrections department investigations of such groups should be beefed-up to uphold the law and protect minorities.

Mr. Tony Arce, Probation Officer, San Bernardino County, California:

1. A race riot occurred at Pacific High School in San Bernardino between blacks and whites because of Klan recruitment of white students there.

Mr. Jim Santee, President, Bay Area Chapter of the Mexican-American Correctional Association, San Jose, California.

1. Police are making sweeps of Chicago areas to check whether illegal aliens live in those areas.
2. Recently, in San Jose, in the process of a police sweep, several people were injured and some required hospitalization.
3. Some young illegal aliens who are in the process of becoming U.S. citizens were illegally returned to Mexico by law enforcement officials.

Mr. Tom Metzger, State Director, Ku Klux Klan:

1. Since 1867, the Ku Klux Klan was created for the protection and support of white Americans.
2. "The world's real minority population is facing a program of genocide."
3. The KKK is not engaged in any program of physical aggression against members of minority races.
4. Since minorities constitute a disproportionate amount of crime, the Klan will defend its people and the white race in general when need be.
5. The KKK will continue to use the system our forefathers created as long as it serves its initial purpose.
6. The time is growing short for the orderly process.
7. Minorities need not fear the Klan but their own people who commit the most crimes.
8. The Klan is using the political process to achieve its goals.
9. The Klan has support among the power elite in California.

10. People (white citizens) will rise up to protect themselves against the minorities.
11. White people are better fitted to decide on the future of this Nation.
12. Integration leads to more violence.
13. There are law enforcement officers in the Klan throughout the country.
14. The KKK patrolled the border against illegal aliens to draw attention to Chicano invasions. Now KKK activities are focused only on drug pushing and illegal alien smuggling.
15. NMAC hearings are a waste of taxpayers' money.
16. NMAC's focus should be on minority criminal activities and the problem of letting 350,000 Asians enter the country as new immigrants.
17. The federal government is creating the problem through forced busing, entrance of new immigrants when there are not enough jobs for American citizens.
18. Respect between the races can increase if racial separation is practiced.
19. There is no cooperation between the KKK and the government regarding illegal aliens.
20. "I'm sure that there are (prison) guards who are Klan members."
21. "The news media reports falsely on Klan activities and members because irresponsible people are members of the media."
22. "Big business is the enemy of the Klan, too, because the Klan wants to protect white America against the influx of cheap Mexican and Asian immigrants" (as new workers).
23. "There are people of power and in corporate positions that would walk over not only the public and other minorities, but their own mothers for profit."
24. Crime will get worse because Mexicans and boat people have tremendous birth rates and most crimes are committed between 14 and 24 years of age.

To: National Minority Advisory Council on Criminal Justice.
From: ALNA Research Staff.
Subject: Analysis of Council Hearing.

Enclosed are the major ideas, observations, issues and concerns expressed at the recent NMACCJ public hearings held in Birmingham, Alabama on August 31 and September 1.

The first portion of this report is an analysis based on Volume 1 of the hearing's transcript—while the second analysis is based on Volume 2 of the same hearing. The third element is a critical summation of the major points raised at those two days of hearings.

Participants: NMACCJ members conducting Birmingham hearings on August 31 and September 1, 1979:

Atty. Irving Joyner, Hearing Chairman, NMACCJ, Releigh, North Carolina.
Dr. Andrew Chisholm, NMACCJ, member, professor and administrator, University of South Carolina.
Atty. A. Reginald Eaves, NMACCJ, member, Commissioner, Fulton Country, Georgia.
LEAA Representative: Ms. Peggy Triplett, Special Assistant to the Administrator for Minority and Women Affairs.
Hearing location: Birmingham, Alabama.
Hearing date: August 31, and September 1, 1979.

KEY ISSUES, CONCERNS AND COMMENTS EXPRESSED

1. Dr. John Cade, NAACP, Birmingham, Alabama.
A. The Council's hearings are necessary because of the issues it is investigating regarding various organizations and individuals "who seek to disregard law and order".
B. Minorities are experiencing harassment by the Ku Klux Klan and local police personnel who inflict brutality on minority persons involved with the law.
C. While the city government of Birmingham has taken actions regarding the activities of the Klan and including the increase of incidences of police brutality, such actions are insufficient.
2. Mr. Louis Willie, Executive Vice President, Booker T. Washington, Birmingham, Alabama.
A. There is no evidence of "collective violence" against any minority group in Birmingham at this time.
B. The incidence of violence increase in Birmingham is Black-on-Black crimes.
C. Birmingham is not effected by either Black or White youth gangs.
D. The Birmingham police force is not "collectively" brutal towards Blacks since today "they are better trained and are more professional."

E. Alabama's Governor James displayed a strong show of force in using the Highway Patrol and National Guardsmen in the recent Klan activities in Selma.

F. According to the Klan's public statement, they seek "to secure the civil rights of white people through legal means."

G. The majority of state and local civic, religious and cultural organizations are concerned and "will not let violence take over" in the city of Birmingham or the state of Alabama.

H. The black community of Birmingham "does not feel threatened by the resurgence of the Klan activity."

I. There is no serious attempt by the people in power in Birmingham to prevent the increasing problem of black-on-black crime since it does not impact beyond people of the black community.

3. Dr. Ruth Jackson, Chairwoman, Jefferson County Housewives League.

A. Prayer and devotion should be put back in schools to curb the increase of violence.

B. Persons under 30 should not be sold hand guns.

C. A 10 p.m. curfew should be imposed on all persons 25 years old or younger.

D. Efforts should be made to effectively reduce or wipe out street prostitutes.

E. Full employment for all people is necessary.

4. Mr. Dwight Burgess Executive Director, National Urban League, Birmingham, Alabama.

A. Agencies which have in-roads to the black community should be given opportunity and funding to assist in the elimination of crime by LEAA.

B. Birmingham police are being trained to deal with crowed control and to prevent confrontations between the Klan and minorities.

C. The Klan has not secured large crowds to participate in their public functions.

D. The real "criminal monster" in Birmingham feasting on the black community is black-on-black crime.

E. Black citizens are frustrated over the "apparent unconcern" of criminal justice agencies to halt black-on-black crime.

F. Three factors contribute to black-on-black crime: (1) illegal bootlegging, (2) illegal drugs, and (3) illegal gambling.

G. Black-on-black homicide is rampant. Of 76 homicides, 58 involved blacks killing blacks and exceeded 75 percent of the homicides committed in Birmingham.

H. The courts are lenient with blacks who commit murders of other blacks but moves swiftly to punish blacks who kill whites.

I. The black community feels that the criminal justice system cares little if blacks kill blacks.

J. Of the total 191 rapes committed in Birmingham, 138 were black-on-black victims.

K. Unemployed black youths prey on working people's homes, rob and terrorize women and elderly.

L. Half of the burglaries in Birmingham committed in 1978 were black-on-black crimes.

5. Mr. Fred Weil, Chairman, Downtown Action Committee, Birmingham, Alabama.

A. Education is a major means to release crime.

B. The leadership of Birmingham should be called to task regarding the increase of crime.

C. Today in Birmingham, blacks participate in the formulation of policy and enforce the laws as well.

D. The Klan must be stopped now before it is permitted to grow.

6. Mr. Larry Langford, member of the city council, Birmingham, Alabama.

A. People who write and enforce the law too often don't respect or uphold the law themselves.

B. Laws must apply to all people equally.

C. Black-on-black crime is both historical and psychological.

D. Crime is rationalized then dismissed as fact.

E. The media controls the public's perception of crime and highlights such activities.

F. The punishment for crimes should be made to fit the crime rather than easy pardon or early parole.

G. Crime is made to look glamorous by the entertainment industry.

H. The government must share the blame for the increase of crime. It also is not responsible or responsive to the responsibilities they were elected to perform.

I. The government should extend to working people the same special services it afford prisoners.

J. Better behavorial examples by adults should be made for youths whereby they have solid role models.

7. Dr. Horace Huntley, Professor of History, University of Alabama, Birmingham, Alabama.

A. From a historical perspective, the criminal justice system was mounted on the foundation of moral contradictions and racial perspectives.

B. White officers of the law are dealt with inappropriately when found guilty of brutality. Often they are rewarded since black life is viewed by the legal community as a "worthless commodity."

C. Unfair legal treatment of blacks extends from the policemen on the beat to the judge on the bench.

D. Given the historical realities regarding race, justice and the contradictions, there is little possibility to expect change.

E. The leadership charged with resolving problems is the same leadership which created the problem.

F. History is repeating itself in regards to the Klan's resurgence. Like the period following World War I, the Klan resurgence was slow and involved small members.

G. Concerned blacks should not assume that the Klan is not a threat. History demonstrates their ability to cause continued harm to blacks and the ideals of America.

8. Dr. Richard Arrington, Member, Birmingham City Council, Birmingham, Alabama.

A. Birmingham has a long history of serious friction and confrontation between the police department and the black community. There have been numerous incidents of police-caused deaths in the black community as well as the number of complaints of brutality registered by blacks against the police department.

B. The use of deadly force is on the increase in Birmingham.

C. The news media has not only contributed to the problem of police/community confrontation, but it has also failed to be more active in developing constructive changes in this area.

D. There is a negative attitude among some officers of the Birmingham police who both oppose and violate most departmental policies aimed at greater accountability among officers for their professional conduct.

E. There is a growing militancy among police, particularly in its union groups.

F. Politicians use the theme of law and order for political gain by criticizing constructive and needed policy reforms.

G. All too often a small cadre of policemen are cited in allegations of brutality.

H. Reports on complaints of brutality by the police department are misleading because of its form of reportage.

I. LEAA needs to stimulate changes through the programs and policies of its funds and to use such influence to provide better incentives for constructive changes.

J. Citizen participation warrants greater attention and support in order to forge positive attitudes among minorities regarding the police.

K. Some blacks fear the police more than they fear the rise in crime in their communities.

9. Mr. Dan Black, State Director, Ku Klux Klan, Birmingham, Alabama.

A. The purpose of the Klan is to provide an educational and political voice for the white majority.

B. The Klan is more "American" than some of the country's founding fathers.

C. Blacks are prone to obscenities and give threats when they confront Klansmen.

D. White people fear for their lives since "75 percent of all violent crimes in the country are committed by blacks."

E. Whites are getting fed up with the increasing preference blacks enjoy and the rising black crime rate.

F. Whites are disturbed by the federal mandate of forced school integration and having to pay for such programs through their tax dollars.

G. The government must become more responsive to the needs of the majority, who are white taxpayers.

H. The Klan is no more a threat to the black community than any other legal, political organization.

I. The Klan does not advocate violence nor oppression of minorities.

J. White people are becoming second-class citizens, victims of discrimination.

K. Affirmative action programs are un-American.

L. The country would benefit most if the races were separated—blacks controlling their communities and whites controlling their own. Such racial separation is the only viable means to racial harmony in America.

M. No police are members of the Klan, but a membership campaign in the future is possible.

10. Mr. Peter Clifford, Member, Birmingham City Council, Birmingham, Alabama.

A. Police protection must be provided wherever and whenever such needs arise regardless of race.

B. Many crimes such as "shot houses," drugs and prostitution is permitted by the police in black communities. However, police do not allow such activities in white communities.

C. The majority of Birmingham's whites do not support the Klan's efforts.

D. The Klan is presently not a threat to the black community.

E. Crime should be stopped wherever it exists and criminal offenders should be prosecuted.

F. Police should investigate their own affairs rather than to permit citizens to review their conduct.

11. Rev. Richard Duncan, Director, Greater Birmingham Ministries, Birmingham, Alabama.

A. This church was destroyed, he maintained, by the Klan and they likewise sought to do him personal harm.

B. The KKK has been busy establishing youth branches.

C. Plans for greater economic opportunity is necessary for all people.

D. There is a need for substantial reform of the criminal justice system in Alabama.

E. The death penalty should be removed.

F. Anti-gun legislation is necessary to reduce violence.

G. Human relations commissions should be organized to increase communications between police and the community and to contribute to the decline of police brutality.

H. Street gangs, among both black and white youth, are reflections of the young's disaffection for the system.

The August 31st hearing was recessed to 9 a.m. on September 1st.

Hearing location: Birmingham, Alabama
Hearing Date: August 31 and September 1, 1979

KEY ISSUES, CONCERNS AND COMMENTS EXPRESSED

1. Rev. Jack Zylman, Birmingham Alliance Against Racist and Political Repression.

"Today, the Ku Klux Klan is trying to create what some people call a "new image." But to many of us, the new looks very much like the old. It is important that all of us know what the Klan is, it's history, and what it stands for today."

The additional following points were made in Rev. Zylman's testimony.

A. The Klan is active again in Decatur and Tupelo.

B. They claim to be for the working people's interests, yet they have historically opposed organizing by labor unions.

C. The Klan claims to represent and advocate for "little people," average working people, but evidence supports the fact that businessmen finance their activities and remain behind the scene.

D. "The Klan claims it's now against violence, that it wants to accomplish its aims by peaceful means."

E. The Klan says it does not want to stir up hatred between whites and blacks but prefers that ethnic groups live separately.

F. The Klan claims it is opposed to federal governmental intrusion into the lives of local citizens, yet there is evidence to indicate that some Klan leaders are agents of the FBI and/or CIA.

G. There is no philosophical or political difference between the Wilkinson Klan group (in Decatur) and the United Klan of America. The only differences are in their methods to secure identical objectives.

H. The Klan now accepts women and Catholics, two former targets of their activities.

I. While various social problems, such as unemployment and a declining economy increase, the Klan claims that Blacks and Jews are the cause of the problem.

J. Evidence suggest that the Klan works in close cooperation with local law enforcement agencies, including membership on local police forces.

K. New legislation outlawing racist organizations such as the Klan need to be enacted.

L. New LEAA funding encourages the development of a national information network system which is dangerous—and through such government-funded anti-crime programs, a new internal army of police has been established.

M. LEAA must use its funds to establish community control of the police and to fund citizen/police review boards.

2. Mr. Scott Douglas, Communist Party of Birmingham.

A. Black people are not afraid of the re-emergence of the KKK, just *fearful* of their plan regarding black America.

B. Black-on-black crime does not merit attention by LEAA. Instead, attention should be focused by LEAA on programs for "pre-offenders" such as jobs for youth instead of jails.

C. Racism exists within the Birmingham police force which is 90 percent white male in a city that is 54 percent black.

D. LEAA should withhold federal anti-crime funds for local departments that discriminate.

3. Mr. Wilbert Crawford, III, private citizen involved in community crime prevention in Birmingham.

A. Black police organizations, such as the Birmingham Guardians, should be funded by LEAA to organize and develop alternative programs in criminal justice. Such programs would provide minorities with a method of communicating their concerns and complaints to law enforcement personnel who are more sensitive.

B. LEAA's discretionary funds (15 percent of its total budget) should be utilized to fund local community anti-crime projects, to improve communications between minorities and whites within the community and the local police departments.

4. Mr. W. C. Patton, retired National Director of Voter Education, Voter Registration, NAACP.

A. Hate groups, such as the KKK, are on the rise again since the Federal Government is no longer vigorous in its efforts to protect the rights of minorities. Rapidly the gains afforded blacks during the 60's are diminishing.

B. Crime is more on the increase in Birmingham, particularly black-on-black crime.

C. New gun control legislation is necessary, particularly among persons under 30 years old. New curfew laws may also be needed to better control youths 13 years of age or older.

D. A community/police review board is needed to improve communications between police and the community while also contributing to a decrease in crime.

E. Black serve as agents for organized crime cadres in illegal drugs.

F. New funds must be secured in order to house the increase of prisoners so that they do not re-enter the society because of over-crowded jail conditions.

G. Police contribute to black-on-black crimes through two postures, i.e., ignore criminal activities in Black communities or through their lack of concern or inability.

H. Blacks often do not participate in community anti-crime activities baeuse of fear and because of police brutality.

5. Rev. Abraham L. Woods, Southern Christian Leadership Conference, Birmingham, Alabama.

A. Black complaints about police brutality are "white-washed," and are controlled by the police themselves, such as the Internal Affairs Division of the Birmingham Police Department.

B. Crime in the black community could be effectively dealt with if sufficient numbers of blacks are on the police force.

C. Too often black law enforcement personnel quit in disgust because of the atmosphere and attitudes within police departments and because blacks are not in positions to design police policies and programs.

D. With the resurgence of the KKK, police do not remain impartial or keep the citizens' best interests or the community's order in mind. Instead, police action too often leans on the side of the Klan rather than the victims of their attacks. "In subduing Klansmen, it appears that the Birmingham Police Department puts on kid gloves."

E. Threats have been made on the lives of black leaders by the Klan.

F. Blacks will become more militant as the Klan increases its programs and as the social status of blacks further declines (unemployment, poor schools, inflation, etc.). The future suggests more direct confrontations between blacks and the Klan.

6. Rev. Richard B. Cottonreader, Southern Christian Leadership Conference, Anniston, Alabama.

A. Decatur, Alabama "is sitting on a keg of dynamite," if Klan activities against black citizens continue.

B. Blacks opposed to the Klan and not adherents to the philosophy of non-violence assumed the responsibility of protecting other blacks demonstrating in Decatur.

C. The Justice Department is not involved in protecting the rights of blacks either against the Klan or police who overstep their boundaries of law enforcement.

7. Attorney Deborah Jackson, National Conference of Black Lawyers, Oxford, Mississippi.

A. In Tupelo, Mississippi, the Klan re-emerged when blacks were involved in protest demonstrations to improve the quality of black life.

B. Requests have been made by blacks in Tupelo, Mississippi to the Justice Department, but to no avail.

C. The local media often distorts the purpose of black demonstrations while giving more favorable coverage to rising Klan activities.

D. Klan members use public facilities in Tupelo to conduct their activities under the First Amendment.

E. There is a common strand of violence within the Klan's activities, whether in Alabama or Mississippi.

F. The Community Relations Services of the Department of Justice is viewed by blacks with suspicion and too often agency personnel do not make sufficient contact with the black community when investigating violations of civil rights.

G. Laws to restrain hate groups such as the Klan must be carefully developed since the history of the FBI, the Justice Department, and state and local police often reveals that such laws would also be used against black groups as the NAACP or SCLC.

8. State Senator V. W. Cleman, Alabama State Senate, 15th District, Birmingham, Alabama.

A. There has been almost a total failure on the part of most law enforcement people in the State of Alabama with respect to the activities of the Klan.

B. Local political leaders, including law enforcement officials in the State of Alabama, have failed to make it clear that violent or illegal actions by the Klan will not be tolerated.

C. Blacks will become violent like the Klan if not protected by local law enforcement agencies.

9. Mr. Jim Bains, Private Citizen, Birmingham, Alabama.

A. The news media gives a favorable impression of the Klan and portrays their activities as the actions of white people.

B. Racists within the law enforcement cadre must be removed if police are to become effective, improve relations with the black community, and to more effectively deal with the rise of racial violence in Alabama.

SUMMARY ANALYSIS

A majority of witnesses appearing before the NMACCJ's hearing in Birmingham, Alabama were Blacks who are actively involved in civil rights and/or legal activities. Throughout the hearings, several major points were stressed by witnesses, including the following observations:

1. Racism has not declined within the law enforcement community.

2. Insufficient numbers of blacks participate in the law enforcement community. For example, in Birmingham, it is estimated that only five to ten percent of that city's police force is black, although the city's population is 54 percent black. There are no black policemen in Decatur, Alabama, although there is a substantial black population in that city.

3. Federal efforts, such as the LEAA programs and the Community Resource Services, are ineffective in dealing either with increases in crime or police/community relations. Most witnesses testified that they do not either trust these agency's personnel nor believe that their efforts are to protect the civil rights of Blacks.

4. There is presently a resurgence of the activities of the Ku Klux Klan across the South. Many blacks feel that there is a partnership between local law enforcement officials and the Federal Bureau of Investigation with members of the Klan. One witness, a black senator in Alabama, even fears that Klan members are part of the local police force in Birmignham.

5. Black-on-black crime is increasing for several reasons, including the following cited observations:

A. Police ignore crime within black communities.

B. Too few blacks are on police forces in local communities.

C. Many blacks are victims of fear within their own communities.

D. Little trust exists between blacks and the law enforcement personnel.

E. There is an increase in causes of crimes within black communities with unemployment, inflation and social remissions increasing.

F. The increase of poor educational opportunities for black youths.

G. Insufficient programs for prisoners coupled with the overload of court actions regarding criminals.

Several witnesses urged that white political and law enforcement officials speak out forcefully against the violent and too often illegal activities of the Klan.

7. The media contributes to the favorable public impression the Klan is gaining. Often the Klan is viewed as a white version of the SCLC or NAACP.

8. Police brutality is on the rise in several Alabama cities cited.

9. Because of the poor protection blacks receive from law enforcement officials, some blacks continue to practice "nonviolence" but others have instead assumed protective actions of their own communities.

10. While Klan activity has increased in Alabama and Mississippi, so have conflicts between blacks and Klan communities, even in some cases becoming violent confrontations, as in Decatur.

11. The KKK is supported, one witness claimed, by the white businessmen.

12. There is little distinction between the new Klan and the old Klan. While the new Klan seeks to proceed in its objectives of protecting white superiority through an improved public image, its goals, like the United Klan, the older group, are the same and too often so are the methods used.

13. While the Klan claims to be against violence, several witnesses of their activities in Birmingham, Decatur, and Tupelo, observed overt acts of violence against blacks.

14. One witness recommended that LEAA use its discretionary funds to support local community groups efforts to fight crime rather than depend on larger agencies to operate local LEAA-funded programs.

15. Improved communications is necessary between law enforcement agencies and the Black community as a first step to reducing traditional frictions and to effectively combat crime within black areas.

16. Police/community review boards were suggested by several witnesses as an effective means to resolve the conflict and poor relations between police and the black community.

17. Members of the Klan get more favorable treatment than blacks from the police.

The major areas of concern presented to the NMACCJ hearings centered on KKK activities, black-on-black crime, and police brutality/treatment of blacks.

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The Ku Klux Klan Tries For A Comeback

The strength of the Ku Klux Klan in America is now greater than it has been in more than a decade. The Klan organizations have registered moderate gains of 20 percent to 25 percent in overall membership since ADL's major report on the hooded orders issued in March, 1978, but even more significantly the periphery of its non-member sympathizers has approximately doubled in this period of less than two years. At the same time there has been a perceptible change in the Kluxers' stance and tactics: they have become more violent and confrontational.

The Ku Klux Klan still speaks for only a narrowly circumscribed, minute segment of the American people, but that segment is growing proportionately larger and more vocal.

Klan membership growth has been uneven: it has declined in the Northern states but risen in the South at a rate that more than offsets its Northern losses. The Klan has also recently thrust itself more prominently into the public eye, largely through tactics of racial conflict and violence. Indeed, if in the two-year period 1977–78 the KKK gained public attention mainly through skillful manipulation of the mass media by Klan leader David Duke, its recent high level of visibility has been due largely to acts of violence and terror. The changing image—from "respectability" to lawlessness—is a reflection of the rise to prominence of Imperial Wizard Bill Wilkinson, a former Duke lieutenant who has built his own "Invisible Empire." Wilkinson's rallies look like camp meetings of armed vigilantes and he appears at them flanked by bodyguards equipped with submachine guns.

The limited success the Klan is now experiencing cannot be attributed to its more aggressive stance alone. ADL field research indicates that the Klan's exploitation of such controversial racial issues as busing and affirmative action has evoked a responsive chord among some blue collar and lower middle class sectors of the public. Further contributing to a climate that enables the Klan to grow are anxieties over crime, inflation, the energy crisis and the new premissiveness surrounding sex, drugs, films and the like. In addition, there are still a good number of Americans for whom the relatively rapid pace of change in race relations over the past 15 years has been extremely unsettling. All of these factors have contributed to the growth of the Klan, not only in dues-paying membership, but also in non-member support.

Actually, the rise in the number of Klan sympathizers is perhaps more disturbing than the increase in membership. For it means that the KKK is no longer as isolated as it has been in the past and that it has a larger following from which to score further gains. Noteworthy in this regard is the fact that in shifting toward a more southerly base of operations the Klan is now operating in its native habitat, a decidedly friendlier environment.

Other recent Klan activities have included efforts to move into the armed forces and special recruiting campaigns aimed at school-age children. While neither of these programs has met with any substantial measure of success, they are disturbing because of the sensitive arenas in which they are being pursued.

Two additional aspects of today's Klans are: (1) their prospective entry into the political arena through the candidacy of Klan leader David Duke in the 1980 Democratic Presidential primaries (Duke has announced his intention to run and devoted much of his 1979 convention to setting forth a carefully thought-out campaign strategy), and (2) the fact that the publicity and imagery surrounding the KKK has inspired mimicry in the form of do-it-yourself cross-burnings around the country by assorted troublemakers harboring racist grievances against their neighbors.

THE GROWTH OF THE KLANS

At present, membership in the four national Klan organizations is approximately 10,000, which represents a gain of roughly 25 percent over the 1978 figure of 8,000. The rise since 1975, when ADL estimated KKK membership at 6,500, is about 50 percent. More significantly, there is evidence that the number of Klan sympathizers has increased substantially, from an estimated 30,000–40,000 in 1978 to about 75,000–100,000 today, a gain of over 100 percent.[1]

The significant gain in sympathizers reflects a geographical shift toward the South, which has been the main characteristic of Klan growth in the recent period. Indeed, the Klan's major gains over the past year have been recorded in the old Confederate states of Alabama, Florida, Mississippi, Tennessee, Arkansas and Texas, where the KKK has historicaliy been an indigenous spearhead of racial bigotry. It is noteworthy, however, that within those states, the Klan's growth has occurred largely in areas that were bypassed by the civil rights struggles of the 1960's. A prime example has been the upsurge in northern Alabama, mainly under the leadership of Bill Wilkinson's Invisible Empire, Knights of the Ku Klux Klan. Northern Alabama lies outside the cotton belt and has a relatively small black population, compared with the rest of the state. It tended to be quiescent in the 60's, when demonstrators were marching and crosses were burning in the South. Yet today, there are active KKK klaverns in many of the towns and cities of the increasingly industrialized Tennessee Valley of northern Alabama.

At the same time, the growth of the Klans in the North, which was noted in ADL's 1978 report, has been reversed. The Confederation of Independent Orders of the Invisible Empire, Knights of the KKK, headed by William M. Chaney of Indiana, the major northern Klan organization, has experienced a significant loss of membership. Chaney himself, who leads a state Klan organization in Indiana, has been convicted by a federal court of firebombing an Indianapolis advertising agency in 1976 and has been sentenced to a term of five years in federal penitentiary and five years probation. In addition, the New York State unit of his Confederation (Independent Northern Klans, Inc.) has dissolved and the Maryland organization is virtually defunct.

The overall Klan score card now reads as follows:

United Klans of America (Robert Shelton), headquartered in Tuscaloosa, AL.: 3,500–4,000

[1] The number of Klan sympathizers is based on observer estimates of attendance at rallies and demonstrations; circulation of the Klan press; contributors; and public expressions of support in communities in which the Klan is active. Since no recent public opinion polls on attitudes toward the Klan have been taken, ADL has no means of gauging general public support.

Invisible Empire, Knights of the KK (Bill Wilkinson), headquartered in Denham Springs, LA.: 2,000–2,500

Knights of the Ku Klux Klan (David Duke), headquartered in Metairie, LA.: 1,500–2,000

Confederation of Independent Orders of the Invisible Empire, Knights of the KKK (William M. Chaney), headquartered in Greenwood, IN: 1,500

Miscellaneous independent Klans (National Knights, Federated Knights, Ohio Knights, Adamic Knights): 500

Total: 9,000–10,500

There are Klan units and activity at present in 22 states: New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Arkansas, Mississippi, Louisiana, Texas, Ohio, Indiana, Illinois, Missouri, Colorado, and California.

The states in which the Klan has experienced membership gains over the past year include Alabama, Mississippi, Tennessee, Arkansas, Florida, Texas, North Carolina, Virginia, Ohio and Colorado. Losses were registered in New York, New Jersey, Maryland, Pennsylvania, and Indiana.

Although the overall membership growth rate has not been startling, the nature and pattern of growth indicate that the Klan has become a more significant threat. The reason lies primarily in the difference between the Northern and Southern Klan organizations. The Northern units tend to be rather isolated, with little influence or significant following in the communities in which they operate. The Klan simply does not have a favorable image in the North, even among many who hold racist views. Consequently, the Northern klaverns are often free-floating organizations with few if any roots in the communities in which they operate. By contrast, the Southern Klans tend to be representative of a broader segment, albeit a minority, of their communities. While it is true that the Klan has in the past temporarily flourished in the North, notably in the 1920's the South has been its native habitat ever since it was formed in Pulaski, Tennessee, in 1866, and it is regarded there as a less bizarre phenomenon.

KLAN LAWLESSNESS AND VIOLENCE

The most notable aspect of the Klan's growth over the past year has been its accompaniment by an increase in lawlessness and violence, due largely to the fact that the organization which has grown the fastest, Bill Wilkinson's Invisible Empire, is the most militant and violence-prone of the existing Klans. Wilksinon, a 36-year old former electrical contractor from Denham Springs, LA, encourages his members to openly display weapons and has boasted, "These guns ain't for killing rabbits; they're to waste people. We're not going to start anything, but if anyone does, we're ready to defend ourselves." He also deliberately engages in the tactics of confrontation against black civil rights demonstrators, resulting in violence, arrests and wide media coverage.

The first instance of Wilkinson's use of these tactics occurred in Tupelo, Mississippi in the summer of 1978. There, he mobilized a group of hooded and armed Kluxers in an attack on black demonstrators, members of the United League, who were marching and conducting a business boycott to protest the alleged beating of a black suspect by local police and to demand more job opportunities.

Shortly thereafter, the Invisible Empire employed the same tactics in Okolona, another northeastern Mississippi town, where blacks were conducting demonstrations to protest alleged police inaction following the beating of a black youngster by a group of whites. There was a shoot-out in which a white man was wounded and the auto of a black leader was riddled with bullets.

The publicity that resulted from these activities enabled Wilkinson to launch an organization drive in nearby northern Alabama in late 1978 and 1979. Klaverns were formed, and about 1,000 dues-paying members were recruited, in and around the towns of Muscle Shoals, Littleville, Moulton, Hartselle, Morgan City, Huntsville, Athens, Grant, Guntersville, Cullman and Decatur. In Decatur, Wilkinson again seized on a local racial issue, the Tommy Lee Hines case, to mount a campaign of violence and disorder. Hines, a 26-year old mentally retarded black man, had been charged in the spring of 1978 with raping three white women and robbing one of them. He was found guilty of one of the rapes in October, 1978 by an all-white jury in the nearby town of Cullman, and sentenced to thirty years in prison. Protests against his arrest were organized by Decatur's black community, on the grounds that Hines could not have committed the rapes because they required a degree of planning beyond his mental capacity. The Klan, under Wilkinson's leadership, seized on this highly charged racial issue to whip up anti-black fury in the white community. There followed a series of KKK rallies in 1978–79, just

outside Decatur, which drew from 3-10,000 participants, at which Wilkinson and his lieutenants spewed forth violent anti-black and anti-Jewish bigotry.

Then, on May 26, 1979, a "Free Tommy Hines" parade, organised by the Southern Christian Leadership Conference (SCLC), was confronted by a crowd of some 100 Klansmen. Participants on both sides were armed with various kinds of weapons. Suddenly shots rang out and four persons, two blacks and two whites, fell wounded on the street. In all, some thirty shots were fired. Five persons, three blacks and two whites, were arrested.

Wilkinson's next major venture was a four-day Selma-to-Montgomery Klan march in August, 1979, in imitation of Rev. Martin Luther King, Jr.'s voting rights march over the same route in 1965. The Klan march was finally halted at the outskirts of Montgomery, where 176 KKK'ers, including 11 juveniles, were arrested on charges of marching without a parade permit. Eight of the Kluxers have since been found guilty and sentenced to six months in jail. They were required to serve 15 days and pay a fine of $500. The remainder are to be tried in groups of 12 each week. Earlier, 21 other marchers were arrested and an arsenal of some 100 weapons confiscated, including a submachine gun, carbines, shotguns, pistols, bayonets, axhandles, knives and brass knuckles.

Recently, Wilkinson and his Alabama Grand Dragon Roger Handley have extended their base of operations to southern Tennessee and Central Alabama, where klaverns exist in Selma, Montgomery, Bessemer and Birmingham and have been recently formed in the Birmingham-area towns of Brighton, Hueytown, Tarrant City, Minor, Homewood, Wylam, Center Point and Fairfield. Among the newer members are some who have switched from Robert Shelton's United Klans of America. Wilkinson has begun traveling in a private Klan-owned plane, a 4-passenger Piper, which he claims has a value of $30,000.

While Wilkinson's Invisible Empire has been the most violence-prone of the Klan organizations, the others have shown little inclination to pacifism. In April, 1979, a Birmingham federal grand jury indicted 20 members of Shelton's UKA in connection with violent episodes in Talladega County, Alabama. They were charged with shooting into the homes of NAACP leaders and into a house occupied by a racially mixed couple. Three of the accused pleaded guilty and ten others were subsequently found guilty in federal court and sentenced to terms in federal prison.

Earlier, three Maryland Klan members had been tried and found guilty of a July, 1978 attempt to bomb the synagogue of Congregation B'nai Jacob in Lochearn, Maryland. According to Maryland State Police, they had also plotted to bomb the home of Congressman Parren J. Mitchell. The three—Robert L. White, Gerald Allen and Robert Glover—were members of the Maryland unit of the Confederation of Independent Orders, Knights of the KKK, under state Grand Dragon Tony La Ricci. White and Allen were sentenced to eight years in prison while Glover drew a five year suspended sentence and three years probation. The three were members of a special Klan unit which a police spokesman said had been formed "with the intent and purpose of engaging in illegal violent acts aimed primarily at religious and ethnic targets." The episode was the precipitating factor in the decline of the Maryland Klan in 1979.

Meanwhile, in San Diego, California, two members of David Duke's KKK were convicted of murdering a fellow Klansman. Terry Flynn Martin was found guilty in May, 1979, of first degree murder, while George Ralston Willis, Commander of the Lakeside Klan den, pleaded guilty to a charge of second degree murder. The victim, Michael E. Henson, had been shot to death because he was suspected of having informed the police about drug dealing by California Klan members.

Finally, in August, 1979, David Duke was found guilty of inciting to riot by a Louisiana court, in connection with a 1976 episode in Nee Orleans. He was charged with leading a Klan mob which surrounded a police car, pounding, beating and shaking it. The officers trapped in the car testified that they feared for their lives. Other witnesses testified that Duke had shouted to his followers the police officers were "Commie Jews." Sentence was scheduled for November 8th. The maximum possible penalty is six months in jail and a $500 fine.

At Duke's recent national convention, one of the speakers candidly addressed the delegates on the subject of Klan violence. Louis Beam, the Texas Grand Titan said his state organization has a "military program" with a "military base" and members who have been training in uniform for 2–3 years. Then he shouted, "We are getting ready to reclaim Texas for the white men . . . so get ready. That's all I'm saying. Get ready for what we know is coming. Everyone talks of a race war. How many guns, bullets, food, training, preparations have you made? Our forefathers built this country with courage and blood. It will take fresh blood, some of our blood, but, by God, a lot of it will be the blood of our enemies . . . The

Government is murdering our people, busing our children, supporting communist governments. There are penalties for murder: death. And they are guilty of murder! Prepare for what is coming!"

Following Beam's speech, David Duke announced that the Texan was being promoted from Grand Titan to Grand Dragon of the Lone Star state.

THE KLAN PROFILED

As noted previously, today's Klans are not national in scope. Earlier indications of a trend toward expansion into the North have not been consummated. Instead, the Northern footholds have been weakened, while the Southern base has grown. Except for Colorado and California, today's KKK has no strength in the West. In the North, the only state in which the Klan has grown recently is Ohio, while it has lost strength in the Mid-Atlantic states and is virtually non-existent in New England.

Today's Klans are located almost entirely in rural and small-to-medium sized towns. The only major cities in which klaverns are known to exist are Denver, New Orleans and Birmingham. While units are also claimed in San Diego, Houston, Miami, Tampa and Richmond, they are composed mainly of residents of nearby smaller communities.

The members of the Duke and Wilkinson organisations have the following characteristics:

1. They tend to be young. At a typical Klan rally, the age breakdown is:

Age:	*Percentage of crowd*
Teenagers	15
Early twenties to midthirties	60–80
Late thirties and older	15–25

Among the activists, the age range is still younger. For example, the participants in the Selma-to-Montgomery march were almost all in their twenties and early thirties. Many of them were long-haired and sported beards and drooping moustaches.

2. The sexual breakdown is approximately ¼ to ⅓ female and the remainder male. Most of the women are wives and girl friends of the male members. Some klaverns have women's auxiliaries.

3. The class composition is mainly blue collar, with a small admixture of lower middle class types and a criminal fringe element. Typical occupations: truck drivers, machinists, handymen, boiler makers, pipe fitters, gas station attendants and operators. The lower middle class members tend to be more secretive about their Klan affiliations than do the working class members.

4. Educationally, the average Kluxer has had three years of high school. Local leaders are often young men who are brighter than their peers but whose educational advancement has been blocked, sometimes because of personal maladjustment problems.

5. Of the present-day members, some 20 percent were active in the 1960's, while 80 percent are newer recruits.

6. Although Roman Catholics are now accepted into the newer Klans, they constitute only a tiny fraction of the membership. The overwhelming majority of members are Protestant.

The foregoing profile is less applicable to Robert Shelton's UKA and William Chaney's Confederation, particularly with regard to age. While the class, sex and educational characteristics are similar, the members of these older Klan units tend to be older. The typical UKA members is more likely to be in his mid-forties and less active today than he was a decade ago, when Shelton's Klan dominated the scene. Generally, with the exception of some newer UKA klaverns that have sprung up recently, the UKA consists of diehard remnants of the battles of the 1960's who have retained their membership but lost much of their zeal for action. The same holds true for units of the Confederation, many of which were once part of James Venable's old National Knights of the Ku Klux Klan.

KLAN EFFORTS TO INFILTRATE THE ARMED FORCES

Another disturbing consequence of the growth of the Klan in recent years has been its spillover into the armed forces of the United States. Evidence has come to light that the hooded orders have succeeded in recruiting groups of servicemen in the Army, Navy and Marine Corps.

The first sign that the KKK had intruded itself into the armed forces occurred in 1976, at the U.S. Marine Corps base at Camp Pendleton, California. There, in connection with a serious episode of racial violence, it was learned that a group of white marines were members of David Duke's Knights of the Ku Klux Klan and that recruitment was taking place at the base. Although many of the Klansmen were subsequently dispersed to other locations, the ADL at that time wrote to the Senate and House of Representatives Armed Services Committees recommending that a Congressional investigation of the activities of the Ku Klux Klan in the armed forces be initiated. The chairmen of both committees replied that they were concerned about the matter but no investigation was launched.

Recently, KKK groups have begun to emerge in the Army and Navy. At Fort Hood, Texas and Fort Carson, Colorado, soldiers have openly identified themselves as members of Duke's KKKK and have participated in public Klan activities. Some of the Fort Hood Klansmen, dressed in army fatigues, stood guard with weapons at a Klan rally in Euless, Texas in June, 1979. A group of Fort Hood Klansmen also served as security guards at the national convention of Duke's KKKK in New Orleans, over the 1979 Labor Day weekend.

At Fort Carson, Colorado, soldier members of the Duke Klan were active in the nearby KKK unit in Colorado Springs. The leaders of the group in late 1978 were Sergeants Josef W. Stewart and Kenneth C. O'Dell. Both have reportedly since ended their tours of duty with the Army. Although the Klan has continued its recruitment activities in the area, they have not been notably successful. It is estimated that the Klan group in Colorado Springs has no more than ten members, some of them civilians.

One other Army base has been the site of Klan activity: Yuma Proving Grounds, Arizona. A soldier is reliably reported to have been disciplined there after having been caught copying Klan materials on the base copy machine.

KKK activity has also occurred recently on several ships of the U.S. Navy, where Wilkinson's Klan has been active. The U.S.S. Concord, a supply ship operating out of Norfolk, Virginia, has experienced several racial conflicts and was reported in July, 1979, to have a KKK group of some twenty members aboard. Several of the Concord Klansmen were subsequently transferred.

In September, 1979, three white sailors aboard the aircraft carrier Independence donned Klan robes and confronted black shipmates. All three, two of whom reportedly admitted Klan membership, were remanded for court martial. Other racial incidents ensued aboard the vessel, which was docked in Athens, Greece at the time.

Earlier, a cross-burning was reported to have occurred on another carrier, the U.S.S. America.

Atlantic Fleet spokesman Lt. John Alexander was quoted in June, 1979 as having stated that the Navy was investigating reports of Klan activity aboard one other vessel that operates out of Charleston, SC. It was later learned that the ship was the submarine tender U.S.S. Canopus and that several sailors had been signing up Klan members aboard it. Three "potentially dangerous" crew members were subsequently transferred or dismissed from the Navy.

Concern about these developments prompted the Anti-Defamation League, on July 26, 1979, to communicate with Secretary of Defense Harold Brown asking for action against the Klan. National Director Nathan Perlmutter wrote that "it is contrary to the spirit of the Uniform Code of Military Justice . . . and the express policy of the Department of Defense's Equal Opportunity Program . . . to allow undemocratic, violence-prone organizations like the Klan to infiltrate the armed forces for the purpose of promoting racial disorder." ADL subsequently pressed its view at a meeting with officials of the Department.

On August 29th, the Navy issued an order to all ship and shore commanders to crack down on "racist activity." Chief of Naval Operations Admiral Thomas B. Hayward told the commanders that "Prejudice and preparedness are incompatible" and instructed them to prohibit "activities of a member or members of a racist organization" when such activities "create a clear danger to the loyalty, discipline or morale of military personnel, or materially interferes with the accomplishment of the military mission." He added that commanders could ban such activity "within the military community and, in appropriate cases, restrict the participation of naval personnel in such activities when conducted off base."

At the time of this report, no similar orders had yet been issued by the other military services.

KLAN YOUTH CORPS

An especially insidious aspect of the Klan today is its effort to enlist children, aged 12 through 17, into the Klan Youth Corps. Although the effort has not met

with any great success, even the modest results are disturbing, for they signify that young minds in various parts of the country are being indoctrinated with vicious bigotry.

The Klan groups that engage in youth recruitment are David Duke's KKKK and Wilkinson's Invisible Empire, and school integration is the issue the Klan attempts to exploit to enlist youngsters. "White Students! Fight for White Power! by becoming a member of the Klan Youth Corps!" exclaims a leaflet widely distributed by Duke's cohorts in front of high school gates in a number of cities. "Are you 'fed up to here' with Black, Chicano and Yang criminals who break into lockers, and steal your clothes and wallets?" asks the leaflet, then "Join the Klan Youth Corps," which advocates "segregation of classes, followed by eventual segregation of schools."

The earliest Klan efforts to recruit school-age youngsters took place several years ago in Buffalo, New York under the guidance of Karl Hand, then commander of the Duke Klan in that city. Hand, who like his leader is a product of the neo-Nasi movement, was subsequently promoted to the post of national organizer of the KKKK, and brought to the post his penchant for school-gate activities.

Cities in which Klan Youth Corps groups have been formed, or which have been targets for youth recruitment include San Diego, CA; San Bernardino, CA; Los Angeles, CA; Denver, CO; Chicago, IL; Peoria, IL; Jeffersonville, IN; Oklahoma City, OK; Hillsborough, CO., Fl; Birmingham, AL; Tuscaloosa, AL; Toscumbia, AL: and Decatur, AL.

Near Decatur, Wilkinson's Klan mobilized a group of about a dozen youngsters, in the summer of 1979 to put the torch to an old school bus while several hundred assembled Kluxers whooped and hollered. The children were dressed in Klan T-shirts.

In a field that is part of 47 acres of land in north Jefferson County owned by Roger Handley, Alabama Grand Dragon, some thirty boys and girls took part in a Klan youth camp in the summer of 1979. With a dozen of Wilkinson's Kluxers acting as counsels, the children, aged 10 to 17, alternated volley ball and dodgeball games with lessons in racism and "self-defense" (the standard Klan euphemism for training in the use of guns).

David Duke's 1980 Presidential Campaign

The Ku Klux Klan is getting ready to inject its racist views into the 1980 Presidential election, through the vehicle of a David Duke race for the Democratic party nomination. As a preliminary step, Duke has entered the 1979 Louisiana state elections as candidate for State Senate from the 10th District. In a previous 1975 State Senate campaign, Duke succeeded in garnering 33% of the total vote, encouraging him to believe that a victory this year is not impossible.

Duke, it appears, realizes that rallies in cow pastures are hardly the most effective means of gaining power in the country. Likely he has studied Klan history enough to know that in the 1920's, when the Klan was at its height, it succeeded in winning political office in a great number of states, Northern as well as Southern. Aiding and advising him in his ambitions is a political "pro," Glenn Parker, who once served on George Wallace's Presidential campaign staff. Parker, who lives in California, addressed a seminar on politics at the recent national convention of Duke's Klan, where he said "if we are to succeed for the white race, it [politics] is the way to go." Then he outlined a campaign strategy.

First will come the Louisiana State Senate race. "It would help," Parker stated, "if we could get David elected to the Louisiana Senate prior to the Presidential election." He went on to indicate that he had no illusions of Duke being elected President, pointing out that the Klan leader is not of legal age to hold the office (at age 29 in 1980, he'll be 6 years short of the constitutional requirement). What the Duke Klan hopes to achieve, Parker said, is the election of some delegates to the Democratic National Convention. "We want an eloquent spokesman," he continued, "to submit several planks of the KKK into the Democratic platform, specifically against busing, against affirmative action. The party will say 'no', but will have to do it in front of 50,000,000 people watching on TV." Parker added that one or two delegates could put Duke's name in nomination for the Presidency and make nominating and seconding speeches in his behalf. He emphasized the value of the free TV coverage.

Duke's strategy calls for filing nominating petitions in 12 states, in the hope of actually qualifying in six of them. The states now under consideration are Massachusetts, Florida, Alabama, Illinois, Pennsylvania, Indiana, North Carolina, Georgia, Tennessee, Arkansas, New Jersey, Kentucky and West Virginia. Of the

six states in which he hopes to qualify, two or three will be selected for "a hard run." "If we run in Arkansas and get 15 percent of the vote," said Parker, "we get 15 percent of the delegates."

Evidently, Duke's Klan intends to put most of its 1980 efforts into his political campaign. Parker made it clear that "the only Klan activity in those states where Duke will be running will be campaign activity." Duke's KKKK also plans to reach out beyond its own ranks for campaign activists. Parker said they will try to enlist "every racist is this country, all racist parties." That they may succeed in doing so was made evident by the presence at the convention, as a guest speaker, of Edward Fields, Secretary of the National States Rights Party. The NSRP is a hate-mongering group of right-wing extremists who publish a racist newspaper called The Thunderbolt. Fields told the delegates that the crux of the problem is "the nigger race is an inferior race." He then pledged the support of his organization and its paper to Duke's Presidential campaign.

THE KLAN IMITATORS

One by-product of the activism and high visibility of today's Klan is the imitative behavior it inspires, most often in the form of cross-burnings. Although the Kluxers try to perpetrate the myth that the fiery cross has a religious symbolic meaning, most Americans know that it actually represents an attempt to terrorize a target of racial or religious hatred, usually blacks, sometimes Jews. And since the burning of a cross has often served as a preliminary warning which has been followed up by other more violent acts, it understandably causes considerable fear and anxiety in those who are its targets. Not surprisingly, all sorts of bigots, most of them not Klan members, when casting around for a means of intimidating someone, reach for a couple of sticks and a can of kerosene.

One recent epidemic of cross-burnings, and also swastika daubings, has occurred in the New York and nearby Long Island, Connecticut and New Jersey areas. The victims, predictably, have been blacks and Jews. Beginning with a cross-burning on the lawn of a black homeowner on Long Island in mid-August, the epidemic quickly spread to other nearby communities.

Several years ago, the Anti-Defamation League commissioned a scientific study of the perpetrators of swastika daubings, the results of which have been incorporated in a profile which very largely fits the descriptions of crossburners apprehended in the recent New York epidemic. Of the 180 suspects who were interviewed in the ADL study, more than 70 percent were males aged 13–17, who came from low-income, poorly educated, broken or unstable homes. Most had academic or behavioral problems in school.

Cross-burnings are sometimes called meaningless acts of "vandalism," or "pranks," or dismissed as "delinquent behavior" having no racial motivation. Such explanation, however, miss the point: the burning cross is itself the message, precisely because of its association with the Ku Klux Klan. The perpetrators of cross-burnings, whether they fully understand the meaning of their acts or not, send an unmistakable signal of racial or religious bigotry.

As it happens, there is no active Klan in the Metropolitan New York area at the present time and there is no evidence of direct Klan involvement in the recent cross-burning episodes. But the Kluxers share in the moral responsibility, as do the Nazis in the swastika daubings. For it is their views, activities and symbols that have been absorbed into the consciousness of the person who lights the match or dips the brush. It is their behavior that is being imitated.

KLAN ANTI-SEMITISM

The Klan is correctly perceived by the general public as anti-black, but in its litany of hates (which includes Hispanics, Asians and American Indians) there is a special place for Jews. Throughout this century the hooded legions have been violently anti-Semitic, from the lynching in 1915 of a Georgian Jew, Leo Frank, an event which set the stage for the formation that year of the second Klan, to the bombings of Jewish temples and buildings during the 1950's and 60's.

Klan anti-Semitism today has the following main characteristics:

1. While all the Klans are anti-Jewish, the intensity of their hatred varies from one group to another. The most extreme in its anti-Semitic bigotry is David Duke's Knights of the Ku Klux Klan, which actually sees Jews as its number one enemy. This is not surprising in that Duke is a former neo-Nazi activist who has surrounded himself with lieutenants who also come from the Nazi ranks. These include his second-in-command, Karl Hand former chief aide James K. Warner, who later fell out with his leader; writer William Grimstad, a former managing

editor of the Nazi publication White Power, who registered with the Department of Justice in 1977 as a foreign agent for Saudi Arabia; and several Grand Dragons. Duke also has a close liaison with the National Alliance, a Washington, D.C.-based neo-Nazi group, whose leader William Pierce is a former top figure in the American Nazi Party.

Duke's publication, Crusader, is saturated with anti-Semitic articles and cartoons. It also regularly advertises books that are available from the KKK bookstore, including the suprious "Protocols of Zion"; Hitler's "Mein Kampf"; "The International Jew"; "The Testament of Adolf Hitler"; "The Hitler We Loved and Why," and many other violently anti-Semitic publications.

2. The importance attached to anti-Semitism by the Klans is not always perceived at first glance because hostility toward Jews doesn't receive the same public emphasis as anti-black racism. But the closer one gets to the center of the organization, the more stress one finds on "the Jewish question." Typically, a raw recruit will join the Klan in response to its anti-black propaganda, but as he becomes more deeply involved in the inner life of the order, the more he will be taught that "behind the blacks lurk the Jews," who are the more "dangerous" enemy.

Klan anti-Semitism is not limited to words. Actions frequently follow, as in the case of the Maryland Klan terrorists who were apprehended attempting to bomb a synagogue in 1978.

In New Jersey, a group of Klansmen vandalized a Trenton synagogue in the summer of 1979. The previous summer, in Atlantic City, an effigy of a rabbi was hanged in a public park by some Klan members.

The Klan in Colorado, which is a unit of David Duke's KKKK, has also targeted Jewish institutions for attack. On July 1, 1979 some 20 robed Klansmen mounted a picket line in front of a Denver synagogue in which the annual meeting of the Colorado Zionist Federation was taking place. The pickets shouted racist slogans and carried placards reading "Zionism-Communism." The state organizer of the Colorado Klan, Fred Wilkins, told the delegates at the recent national convention of his organization that he had photographed the license plates of the cars parked at the Zionist Federation meeting, in order to obtain the names and addresses of the attendees. He also urged the delegates to subscribe to their local Jewish newspapers, as he had done, to obtain the names and addresses of local Jewish leaders and advertisers. Wilkins did not reveal how this "intelligence" was going to be used.

EVALUATION

As noted, the Klan still represents only a tiny fraction of the American people. The findings of ADL's March, 1978 survey still hold true, that "The Ku Klux Klans . . . are not a present threat to American society, either in numbers or in influence." Yet, the activities of the hooded legions do present some real problems, particularly in the communities where they are active.

1. The new Klan militancy and lawlessness, as evidenced in Alabama and Mississippi, poses the danger of violence. Plainly, the presence in any community of a gang of heavily armed racists spoiling for a confrontation can lead to bloodshed. What happened in Decatur can happen elsewhere.

2. The Klan creates racial polarization, both in the immediate vicinity of its activities and in the larger society. Its cross-burnings and rallies, accompanied always by an outpouring of vicious racial invective and insults, makes harmonious community relations between blacks and whites impossible. If this is a tragedy in civilian life, in the armed forces it could be disastrous.

3. The KKK's demogogic exploitation of such legitimate controversial issues as busing, affirmative action, welfare reform etc., poisons the atmosphere and makes civilized discourse and debate much more difficult. It contributes to a climate in which the search for reasonable solutions and compromise becomes impossible, and in which extremist views take center stage at the expense of reason and moderation.

4. The likelihood that the Klan will regain the strength and capacity to rupture the fabric of our pluralist society that it had in the mid-1960's, remains remote, but it should not be discounted entirely. There is little evidence at this time that the efforts to rebuild the hooded order have peaked. Complacency therefore, would be as wrong a posture to adopt as alarmism. What is required is alert attention to the problem, a steady flow of accurate information and rigorous law enforcement.

COUNTERING THE KLAN

The foremost requirement for coping with the Ku Klux Klan is community concern, not only by those who are its immediate targets—the minority groups—

but by the entire community. It cannot be emphasized enough that a special moral responsibility rests on those who are not the direct victims of the organized bigots to close ranks with those who are, so that the legions of hate find themselves isolated by the entire community. This is the main lesson history teaches about the experience of Europe's Jews under Hitler, blacks in America and victimized minorities everywhere. The bigots count on community indifference to enable them to do their dirty work.

Concern can be expressed in many ways: by the clergy and the churches through sermons and public declarations; by the labor movement and the business community through educational forums and rsolutions; by the schools, through teaching about bigotry and prejudice, and studying the role of the Klan in American History.

The media, in particular, have an important role to play. To the extent that the Klan makes genuine news, it must, of course, be covered. But all too often, the press has allowed itself to be manipulated by clever Klan gimmickry, such as the 1977 Klan "border patrol" in California, where a puny group of eight Klansmen, outnumbered 5 to 1 by newsmen, captured coast-to-coast coverage for what was essentially a non-event. Or inadequately researched Klan stories, consisting almost entirely of "interviews" in which a Klan spokesman—most often David Duke, who specializes in duping the media—are simply allowed to spout propaganda and make fanciful claims about Klan strength without contradiction or hard questioning.

When David Duke faces the microphone or TV camera he usuallydisclaims any belief in violence, but as with most of his other public stances, his real position is far different. At his recent national convention in September 1979 in New Orleans, he addressed the 150–200 delegates on "public relations," cautioning them that only designated spokesman should deal with the media. "Not everyone," he said "is to get on a soapbox. Some say the wrong things. 'Why did you join the Klan?' 'Well, I want to hang some niggers, you know.' (A delegate shouted 'right on!')" "Yeah," replied Duke, pausing for audience applause, "and that may sound good, but that's not exactly what we're trying to get over to the American public . . . There should be a 'media line' that everyone adheres to."

Truly professional press coverage of the Klan—especially because it is secretive and unscrupulous—requires research and understanding of the subject. With adequate preparation and a healthy skepticism regarding the claims of Klan spokesmen the press can perform a major service in informing the public as to the true nature of the masked order.

No report on today's Klan can ignore the fact that on a number of recent occasions it has been confronted by well-organized opponents using violent tactics. In California, Ohio, New Jersey, Alabama and Mississippi, demonstrators in helmets, shouting such solgans as "Ku Klux Klan, Scum of the Land" have waded into Klan demonstrations with two-by-fours, iron bars, bricks and bottles. The record shows that the principal victims of these clashes have been the police, who in their efforts to prevent violence and separate the conflicting forces, have suffered injuries caused by both sides.

Street brawls have contributed nothing to the solution of the problem of the KKK. They have provided the kluxers with an alibi to justify their possession of weapons: the spurious "self defense" claim. Moreover, while some of the violent counterdemonstrators have been ordinary passers-by, most have been members of far-left groups seeking to exploit the issue of right-wing extremism in order to strengthen the forces of left-wing extremism. Among these "anti-Klan" militants are the Committee Against Racism, a group closely aligned with the Progressive Labor Party, a left-wing splinter from the Communist Party; the Coalition Against Racist and Political Repression, whose co-chairperson and Executive Director, Angela Davis and Charlene Mitchell, are leading members of the Communist Party, U.S.A.; and the Revolutionary Communist Party, an ultra-left sect of Maoist Communists. Their aim in confronting the Klan, clearly, is not to strengthen American constitutional democracy, but to weaken it in order to further their own political goals.

In the final analysis, the answer to the challenge laid down by the Klan's hoodlumism is firm political leadership and strict law enforcement. The Klan must be shown, wherever it appears, that its presence is not wanted and even the slightest infraction of the law will not be tolerated. Rigorous law enforcement can, without invading anyone's constitutional rights, effectively discourage and prevent violence and disorder. For this to happen, of course, there must be a concerned citizenry prepared to give full backing to public officials who are ready to stand up courageously to the hooded legions.

There is also a need for a greater FBI and Justice Department presence wherever Klan growth and activity present a threat to the civil rights of citizens, black and white. There has been some recent increase in FBI and Justice Department attention to the Klan, and it has had a salutory effect, notably in the indictment and trial in Birmingham of 20 Talladega County Klansmen. And the Community Relations Service of the Department of Justice has made a useful contribution, in Decatur and other communities. More such efforts are needed, on the local, state and federal levels.

Similarly, with regard to the armed forces, the U.S. Navy's announced policy of cracking down on the Klan deserves public commendation and support. It should be followed by a similar pronouncement by the Army since it has experienced a Klan problem.

Beyond the immediate task of curbing the Klan lies the longer range and more basic need to press ahead in the quest for racial justice and equal opportunity for every citizen and to strengthen education on the substance and application of American democratic values.

[Responses subsequently submitted by Dr. Flemming to questions submitted by Senators Bayh, Thurmond, and Hatch follow:]

RESPONSES BY DR. FLEMMING TO QUESTIONS SUBMITTED BY SENATOR BAYH

Question No. 1. You mentioned in your testimony your support of the proposed amendments to Title VIII of the 1968 Civil Rights Act contained in S. 506. Not surprisingly some opposition has developed to the bill over the last year, the major concern is with the administrative procedure section in the bill.

Are you familiar with the latest developments and language on this question; perhaps, you should address specifically the appeals procedure that Senator Heflin and I have agreed upon which is laid out in Committee Print II?

The Administrative Procedure Act, of course, has due process protections and a separation of prosecutorial and adjudicative functions of the agency in question built into it for the protection of both the complainants and respondents; the Heflin compromise would merely enhance these protections would they not?

However, it would end any appearance of a conflict of interest by the Secretary as to these functions would it not?

Answer. We are familiar with some of the latest developments and proposed language in the administrative procedure section of S. 506. We have followed the hearings and developments in the proposed fair housing bills in both the Senate and House. On February 20, 1980, in a letter from the Commission to Chairman Don Edwards we concluded, in commenting on a similar proposal that called for variations in the administrative procedure originally drafted in S. 506 and H.R. 5200, that:

"(If the proposal) should pass it would provide the foundation for mounting a far more effective fair housing enforcement program than can be mounted under the existing Fair Housing Law.

Similarly, the Commission supports the idea of a Fair Housing Review Commission as it appears in Committee Print II. We believe the Review Commission as proposed would parallel the due process protections and separation of prosecutorial and adjudicative roles which are provided under the Administrative Procedure Act. Those who have voiced the apprehension that the Secretary of Housing and Urban Development (HUD) could potentially influence a HUD-appointed administrative law judge should find the procedure now outlined in Committee Print II an answer to that concern.

The Heflin Proposal could enhance fair housing enforcement, and certainly would improve existing law.

Question No. 2. You mentioned in your testimony the Commission's concern with the Voting Rights Act, which must be reviewed by Congress in 1982. The Committee, however, must begin its consideration of whether to renew the Act's special provisions next year, 1981.

It seems to me there are two major questions that we will have to consider, (a) whether the Department of Justice through the Civil Rights Division has enforced the Act in an affirmative manner that has assured the protected minorities, both racial and language, the right to register and vote, and (b) whether there is a continuing need for the Act to protect those minorities in specific covered jurisdictions, or more generally nationwide, or not at all.

Has your proposed study taken these questions into account?

Have you proposed that the Commission look at the need for the Act in all covered jurisdictions, both racial and language minority areas?

What is the feasibility of reviewing the need nationwide?

What is the projected date of completion of the study, that is, will it be ready for use by the Congress in 1981?

Answer. The Commission's proposed Voting Rights Act Study focuses on the two issues raised by the Committee. Specifically, as approved by the Commission at its April 14, 1980 meeting, the study will examine:

(1) Whether the special provisions of the Voting Rights Act are still needed to protect the voting rights of minorities in covered jurisdictions; and

(2) Whether there has been effective enforcement of the Voting Rights Act.

The study will review the need for the Act in jurisdictions covered by the original special provisions of the Act as well as those covered by the minority language provisions. Due to time, staff and budget limitations, we will be unable to conduct a study on the need for nationwide coverage under the Voting Rights Act. Our analysis, then, will be limited to jurisdictions covered by the special provisions of the Voting Rights Act. We anticipate completing our study by September 30, 1981, with publication projected for January 1982.

Question No. 3. Last year during the considertion on the floor of the Senate of S. 721, the Commission's fiscal year 1980 authorization, both Senator Leahy and Senator Helms asked the Commission to undertake certain studies; the former for a review of legal issues involved in ending the Congressional exemption to Title VII of the 1964 Civil Rights Act (Employment Discrimination), and the latter for a study of the extent of discrimination against European ethnic Americans.

Can you comment on the progress of those studies?

Is there any intention by the Commission to increase its concentration on the possible discrimination suffered by those European ethnic Americans?

Answer.

STUDY OF EEO AND CONGRESS

During the Senate's consideration of the Commission's fiscal year 1980 authorization bill, Senator Leahy attached an amendment that the Commission on Civil Rights conduct a study of the legal issues involved in the Congressional exemption from Federal EEO laws. Although this amendment was dropped by the conference committee, the Commission, testifying before the Senate Subcommittee on Oversight Government Management, agreed to provide a short study of the issues raised by Senator Leahy. We received a letter from the Chairmen of our oversight committees (Senator Birch Bayh and Representative Don Edwards) confirming their understanding that the Commission intended to conduct the study.

During the last 2 monthly meetings the Commissioners have been considering the draft report. It appears that their review will be complete in June. The Commissioners believe that this additional deliberation may be needed in order to refine some of their views, particularly in the area of possible recommendations to the Congress.

HELMS AMENDMENT STUDY

In 1979, during the Senate's consideration of the fiscal year 1980 authorization bill for the Commission on Civil Rights. Senator Jesse Helms attached an amen ment to the bill which provides as follows:

The Commission shall continue to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution involving Americans who are members of eastern- and southern-European ethnic groups and shall report its findings to the Congress. Such report shall include an analysis of the adverse consequences of affirmative action programs encouraged by the Federal government upon the equal opportunity rights of these Americans.

At the time that the Helms Amendment was added to our legislation, the Commission had planned a consultation on civil rights issues concerning Americans of Eastern and Southern European backgrounds. In preparation for the consultation, entitled, "Civil Rights Issues of Euro-Ethnic Americans in the United States: Opportunity and Challenge" which was conducted on December 3–4, 1979, Commission staff conferred with a number of groups and individuals in different parts of the country. Public attendance and participation was encouraged. During the consultation, experts in numerous fields addressed Euro-ethnic issues including access to social services, educational and employment needs, family and housing problems in urban centers, youth concerns, and intergovernmental relations. The Commission is completing its review and editing of presentations prepared for the consultation and expects to publish the proceedings sometime in July of this year. The publication will be sent to several thousand interested parties on our mailing lists and made available to the general public.

A review of data received at the consultation yielded several preliminary observations. Several of the participants, most of whom were of Euro-ethnic background, called for greater understanding of the Euro-ethnic community and more accurate data and policy appraisals by local, State and Federal governments. Some participants suggested that, based upon 1970 census figures, the median income of native families of foreign or mixed parentage from eastern and southern European countries was above the national median. One participant pointed out that research did not show that Euro-ethnics were disadvantaged by affirmative action programs for traditional minority groups and women. In the education area, despite some apparent problems in higher institutions, data are unclear about the discrimination Euro-ethnics face. More research was requested by some of the participants.

The Commission will continue to review all of the data from the consultation with special attention to the section covering employment discrimination and affirmative action. We shall utilize the information gained through the consultation in determining future projects of the Commission in this area. It will assist us in assessing what additional study is needed in order to respond to the requirements of the Helms Amendment.

The Commission expects to include Euro-ethnics in its upcoming study of equal employment in upper management positions in private industry.

Question No. 4. Recently, an incident occurred in Greensboro, North Carolina in which a number of members of the Ku Klux Klan allegedly shot and killed or wounded several protestors who were demonstrating against racism, are you aware of that situation?

In Greensboro, are you cooperating with the local government and community groups to see that such incidents never recur?

Has the Commission allocated any funds for a general review of the extent of the Klan's resurgence and the danger that might pose for civil rights?

Answer. The North Carolina Advisory Committee held a factfinding meeting in the Greensboro City Hall on February 26, 1980. The meeting focused on the current climate of race relations there in the aftermath of the November 1979 shootings of demonstrators by alleged members of the Ku Klux Klan (KKK). The Advisory Committee heard a wide spectrum of opinion, as represented by the Mayor, Police Chief and other city officials, community leaders and members of the KKK and the Communist Workers Party.

The Mayor, other city officials and the police department cooperated with the Advisory Committee to ensure an orderly climate for the meeting. The Chamber of Commerce, the NAACP and many civic and religious leaders also cooperated with the project. The Advisory Committee will report to the Commission later this year on its investigation in Greensboro. It is expected that the report will be helpful to local government and community leaders who are working to prevent the recurrence of incidents similar to those of November 1979.

The Commission has not allocated special funds for a general review of the Klan's resurgence. It has directed regional office staff to contact Department of Justice officials (FBI Community Relations Service) to obtain their assessment of the current level of racial violence and possible connections with hate groups.

Question No. 5. There is an obscure problem that has come to my attention concerning the internal workings of the Commission and your State Advisory Committees.

Is it your practice to inform the members of these advisory committees of legislative developments in the civil rights field such as the progress of the Fair Housing Amendments, S. 506 and H.R. 5200?

You do not urge the advisory committee members to give their views on such legislation to the Congress do you? The information, then, is simply to keep them updated on civil rights developments so that they can perform their function of advising the Commission, is it not?

Answer. As you are aware, the Commission has a State Advisory Committee (SAC) in each of the 50 states and the District of Columbia. These committees are composed of concerned citizens, who serve without pay and who monitor and investigate local civil rights issues. The primary function of the SAC is to advise the Commission on civil rights developments. These State Advisory Committees work closely with the Commission's Regional Office in their areas.

The Commission does transmit status reports on relevant pending legislation to our regional offices and State Advisory Committees.

The State Advisory Committee, a rather unique grass roots component for a Federal agency, often can utilize such information in its inquiry about related issues within its state. Just as SACs provide the Commission with valuable local input, the Commission can provide the SAC with information on legislative devel-

opments that may be helpful to them. The legislative information is factual and is intended merely to keep our SACs updated on civil rights issues. To do less would not be in accord with our responsibilities to our SACs and the clearinghouse function, which is part of our statutory mandate. Moreover, the information is helpful to the SACs, who are expected to advise the Commission on civil rights matters.

The Commission does not urge the advisory committee members to give their views on such legislation to the Congress. Of course, as private citizens, they have the same right as any other private citizen to express their views on issues of interest.

RESPONSES BY DR. FLEMMING TO QUESTIONS SUBMITTED BY SENATOR THURMOND

Question No. 1. Since the Commission holds frequent consultations, I hope that all viewpoints are considered. We certainly want to avoid the appearance of closed, "in-house" conference. How often are the same representatives or groups called upon for their input? What efforts are made to find representatives with other viewpoints?

Answer. In planning its consultations, the Commission staff confers with Federal, State and municipal officials who hold responsibilities in the subject matter under consideration and with scholars, recognized authorities, and leaders of national private organizations concerned with the issues to be addressed. For the most part, few organizations or individuals make repeat appearances. Those few which do—e.g., the U.S. Department of Justice and the Equal Employment Opportunity Commission—do so because of the nature of their responsibilities.

Commission-sponsored consultations are neither in fact nor in appearance closed "in-house" conferences. A wide spectrum of viewpoints is represented at each consultation. While consultations usually explore issues in a scholarly and objective manner, lively and challenging discussions are not uncommon.

Take one consultation as an example: the December 1975 consultation on "School Desegregation: the Courts and Suburban Migration." Dr. James S. Coleman, professor of sociology at the University of Chicago, presented a paper entitled, "School Desegregation and Loss of Whites from Large Central-City School Districts." In response, Dr. Robert L. Green, dean of the College of Urban Development at Michigan State University, presented a paper entitled, "Public School Desegregation and White Flight: a Reply to Professor Coleman." The ensuing discussion was informative and spirited.

A review of the persons making presentations at the three consultations held in calendar 1979 will demonstrate the breadth and diversity of individuals and organizations addressing the Commission. The agendas are attached. (Attachment A)

Usually, one to two thousand invitations to attend a consultation are mailed to organizations and individuals with an interest in the area to be addressed. Sometimes these groups and individuals give us recommendations and feedback on participants (to be included) and issues to be covered in the consultation in question and future projects.

Question No. 2. You have noted in your testimony that you do maintain some flexibility in your plans for next year. When do you plan to research the adverse impact of the affirmative action programs which you support? Has the Commission fully considered and documented the problems surrounding the creation of this new disadvantaged group?

Answer. The United States Commission on Civil Rights in its studies on affirmative action programs examines the consequences and impact of these programs upon all groups of affected individuals. Each examination of the programs includes both the adverse and beneficial results. The Commission does not have a specific study underway focusing on the singular aspect of adverse or beneficial impact of affirmative action programs.

The Commission has always researched and monitored the status of disadvantaged groups in our society. In our 1978 study, Social Indicators of Equality for Minorities and Women, we established a systematic examination of equality of groups (non-minority and minority, male and female):

Meaningful measurements can be constructed on the basis of existing data to measure the well-being of women and minority men, compared to majority males, in many important facets of life. Using fairly simple procedures, this report has developed a number of such "social indicators of equality."

These indicators should provide signals to the Nation that inequalities or problems exist and that intended remediation has not occurred. When an indicator signals that conditions are unsatisfactory, a chain of events should be triggered to address the problem area and bring the conditions to a more satisfactory state. Continued measurements should be used to gauge the ongoing effects of such attempts to achieve satisfactory conditions for women and minority men. These indicators could have been produced by the Federal statistical system previously to assess the progress toward social and economic equality in the Nation, but were not.

The study found the following:

The social indicators of equality presented in this report demonstrate that women and minority men have not achieved equal status with majority males on a series of 21 measures of equality in the areas of education, income, employment, occupations, poverty, and housing. Despite some absolute improvement in many of the areas, and despite efforts throughout the society to move toward equality over the 16-year period reviewed (1960–76), majority males have continued to enjoy broader opportunities and to reap disproportionate benefits while women and minority males have in many instances fallen further behind.

Through these indicators, attention is focused on the limited effect of recent Federal efforts to enhance the conditions of women and minority men relative to majority males, indicating a need for more effective policy and program formation.

The above findings and recommendations suggest strongly that current affirmative action programs have been correctly targeting their recipient groups. Although not always a perfect remedy, our report on affirmative action programs in higher education explains:

It is said that race-conscious admissions programs may have a particularly detrimental effect on the prospects for admissions of members of other ethnic groups who have had to overcome adverse socioeconomic circumstances to qualify for professional careers. But, professional schools have purported for several years to take into account in the admissions process the potential shown by those who have attained academic success in the face of conditions of poverty or other difficult circumstances. To the extent that they have failed to do so adequately, the remedy lies not in eliminating programs to redress governmentally-fostered discrimination, but in the increased sensitivity (and financial aid) to applicants who have overcome other forms of adversity.[1]

The United States Commission on Civil Rights is monitoring the growing concern among many non-traditional and/or non-ethnic minority groups who are alleging discrimination against them based upon their national origin, religion, sex, handicapped and age.

See our responses to Question 3 on the Helms Amendment study.

Question No. 5. In regard to the proposed amendments to the Fair Housing law, you state this legislation would not eliminate housing discrimination. In part, you direct your criticism to the current case-by-case approach in this area. What method, in lieu of case-by-case litigation, does the Commission support?

Answer. A major impediment in HUD's current effort to administer Title VIII has been the necessity to rely solely upon the process of conciliation to correct Title VIII violations. If conciliation fails then the complainant has the right to file suit. But litigation is cumbersome and expensive and such case-by-case redress has not proven effective.

Our Federal Civil Rights Enforcement Effort reports on Fair Housing have concluded that Title VIII is a weak law primarily because HUD lacks enforcement power. S. 506 would strengthen the law by providing HUD with administrative enforcement authority while preserving the authority of the Department of Justice to file suit where patterns and practices of discrimination exist. The Commission strongly supports the addition of administrative enforcement provisions.

RESPONSES BY DR. FLEMMING TO QUESTIONS SUBMITTED BY SENATOR HATCH

Question No. 1. The Civil Rights Commission is apparently in the process of conducting a study on the "Civil Rights Implications of Energy Policy". Could you please give this committee some general idea of the nature of this study? Is the issue of energy price decontrol within the scope of this study?

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[1] U.S. Commission on Civil Rights, "Toward Equal Educational Opportunity: Affirmative Admissions' Programs at Law Schools and Medical Schools" (1978), p. 40.

Answer. Due to other Commission priorities, the start-up of this project has been delayed. Although the precise scope of the project may change due to shifting areas of concern, our present plan is to determine the impact of Federal energy policies and programs on minorities, women and older persons. The study will examine current Federal energy regulations that may have an adverse impact on, for example, the housing and transportation needs of these groups. When the project is in the detailed planning stage, the issue of price deregulation will certainly be considered for possible inclusion in the scope of the project.

Question No. 2. Do you see any possible 1st Amendment implications in the Commission's work in the area of "non-biased" textbooks? What about its work in the area of communications media "stereo-typing"? What precisely is the Commission doing in these areas?

Answer. The Commission released a publication entitled Fair Textbooks: A Resource Guide in 1979. This publication contains information on available resources and how to get them. It is a list of approximately 2000 items containing no endorsements or critiques of particular textbooks.

A second publication entitled Characters in Textbooks: A Review of Literature is due for publication later this year. This report reviews research literature which examines the nature, extent, and impact on children of race, sex, age and religious portrayals in textbooks. This review does not contain findings and recommendations, but does expand on the resource guide.

Since our update last year of Window Dressing on the Set, the Commission is presently doing no work on "communications media stereotyping". We see no First Amendment problems with respect to the issuance of our reports on stereotyping in textbooks. There is no conflict with the First Amendment in the work we have been doing in this area since neither Fair Textbooks nor Characters in Textbooks contains recommendations for governmental action. Rather, they fulfill the Commission's mandate to act as a clearinghouse for information to the Congress and the public on vital issues in the civil rights area. The portrayal of minorities, females, older persons and religion in textbooks is one of those vital issues.

Question No. 3. Has the Commission ceased its efforts in the area of abortion as it was directed to do by an amendment last year? Are there any outstanding efforts on this subject?

Answer. Since enactment of Public Law 95–444, October 10, 1978, which extended the life of the Commission to 1983, the Commission has been prohibited from carrying out activities within its jurisdiction on the subject of abortion. The relevant provision states that:

(f) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to appraise, or to study and collect information about, laws and policies of the Federal government, or any other governmental authority in the United States, with respect to abortion.

The Commission has in fact discontinued studies, reports. comments and/or other activities with respect to abortion. The abortion study, underway at the time of the amendment to the Commission's statutes was discontinued. In addition, staff and Advisory Committees have ceased activities in the area of abortion. There are no current efforts on the subject of abortion.

Question No. 4. What has the Commission done with respect to the Helms Amendment directing it to focus greater attention upon ethnic discrimination.

Answer. See our response to Question III of the Subcommittee questions, pages 2–4, infra.

Question No. 5. Is it clearly a "myth", as one of your newest studies purports to demonstrate, that Asian-Americans are a successful minority group in this country?

Answer. The view that Asian Americans are a successful minority came into prominence in the mid 1960's and since then has gained wide acceptance. Our study examines the validity of that concept.

One purpose in exploring the status of Asian and Pacific Island Americans is to determine the degree of uniformity or diversity among subgroups. In this study the educational attainment of Americans of Chinese, Japanese, Philippine, and Korean ancestry as well as their relative incomes and occupations are compared with majority Americans. Where available, information has also been reviewed on the status of Hawaiians. The study is designed to determine whether Asian and Pacific Island Americans are uniformly successful. The report of this study should be completed during this fiscal year.

Question No. 6. Could you describe in greater deail for this committee the nature of your "monitoring" activities of other agencies? Where has such "monitoring" in the past promoted civil rights efforts in the government? How much staff is devoted to this effort?

Answer. The Commission on Civil Rights has utilized some form of "monitoring" since its early existence. Its statutory mandate to "study and collect information concerning legal developments constituting discrimination or a eenial of equal protection of the laws (Section 104 of the Civil Rights Act of 1957) . . . has required the Commission to serve as a monitor in the vivil rights field.

Civil rights developments are monitored in the principal areas within the Commission's jurisdiction, particularly with regard to education, employment, housing, voting rights, affirmative action, and administration of justice. The monitoring of civil rights developments enables staff to provide technical assistance and support to other Commission offices, Congressional committee staff, executive agencies, and private groups and organizations. In addition, it enables staff to develop Commission research proposals which respond to critical and current concerns.

During this fiscal year we have sought to establish a more systematic monitoring program. The monitoring system is not intended as a mere mechanism for reporting civil rights developments.

The Commission's "monitoring" of other agencies' civil rights enforcement efforts is probably our most effective use of monitoring over a prolonged period. In 1968, we began publishing our Federal Civil Rights Enforcement Effort series. We began with an analysis of "Jobs and Civil Rights", and then produced "The Federal Civil Rights Enforcement Effort Summary," and a number of "Reassessments" until 1974 when we began a seven volume series covering housing, employment education, Federally-assisted programs, revenue sharing. regulatory agencies and the executive branch.

These reports contained the Commission's conclusions, findings, and recommendations. The continuing monitoring of the effectiveness with which agencies perform their civil rights responsibilites has yielded good results through the years. The public and the agencies are more aware of their civil rights responsibilities and the need for action. Indeed, action has resulted. See for example, our discussion of the Census Bureau monitoring in response to Question IX, infra. I am also attaching an excerpt from an assessment of the results of Commission recommendations stemming from our monitoring of several Federal agencies. (See Attachment B)

There are approximately 20 staff members engaged in monitoring.

Question No. 7. What is the Commission's views on the merits of 'affirmative action' policies? Is there any recognition by the Commission that a substantial number of Americans—perhaps a majority—consider such policies to be violative of basic concepts of civil rights? What studies, reports, etc. has the Commission conducted on the subject? What future studies, reports, etc. are planned in this area?

Answer. The Commission's strong support for affirmative action (starting before it became a popular concept) is derived from its legislative mandate and history of support for equal rights, equal access and opportunity. The Commission's support of affirmative action is explained in the Commission's October 1977 "Statement on Affirmative Action" and in a shorter statement issued July 1, 1978. Both are reprinted in the USCCR publication Toward an Understanding of Bakke (1979). The Commission is in the process of revising its statement in light of the judicial support for affirmative action expressed in Bakke and Weber and numerous other court decisions. The new statement is planned for release this summer. At page 17 of our 1977 statement we stated the following:

The justification for affirmative action to secure equal access to the job market lies in the need to overcome the effects of past discrimination by the employers, unions, colleges, and universities who are asked to undertake such action. It rests also in the practical need to assure that young people whose lives have been marred by discrimination in public education and other institutions are not forever barred from the opportunity to realize their potential to become useful and productive citizens.

Affirmative action programs have been in effect in most instances for less than a decade, an eyeblink in history when compared with the centuries of oppression that preceded them. The gains secured thus far have been modest and fragile. . . .

The short history of affirmative action programs has shown such programs to be promising instruments in obtaining equality of opportunity. Many thousands of people have been afforded opportunities to develop their talents fully—opportunities that would not have been available without affirmative action.

While the effort often poses hard choices, courts and public agencies have shown themselves to be sensitive to the need to protect the legitimate interests and expectations of white workers and students and the interests of employers and universities in preserving systems based on merit. While all problems have not been resolved, the means are at hand to create employment and education systems that are fair to all people.

The Commission recognizes that the subject is controversial—see Toward an Understanding of Bakke, pp. 1 and 178—and that those who oppose this remedy for discrimination argue that the remedy itself is discriminatory. The Commission shares with President Carter, however, the view that:

It is through (affirmative action) programs that we can expect to remove the effects of discrimination and insure equal opportunities for all Americans. . . . Memorandum from the President on "Affirmative Action Programs," July 20, 1978, reprinted in Toward an Understanding of Bakke, p. 175.

I am attaching a list of studies, reports, etc. on affirmative action (Attachment C) and a brief statement on proposed work on affirmative action. (Attachment D).

Question No. 8. The Commission indicated last year that it was planning to conduct a study on the civil rights implications of the census. Has this been completed? What is the view of the Commission with respect to the issue of counting illegal aliens for apportionment purposes?

Answer. To date, the Commission has not conducted a formal study of the civil rights implications of the 1980 census. The Commission maintains an ongoing program to monitor the activities of the Bureau of the Census with regard to its measurement of the conditions of minorities, including ethnic minorities and women. In 1974, this Commission issued a report, Counting the Forgotten, The 1970 Census Count of Persons of Spanish Speaking Background in the United States. This report evaluated the adequacy of Hispanic population data in the 1970 census. Since the issuance of the report, the Commission has monitored the activities of the Bureau of the Census with regard to both the 1980 census and the Current Population Survey. The Census Bureau has made changes in its survey form and method of data collection pursuant to recommendations by the Commission. These changes should reduce the prospects of serious undercount of Hispanics and other minorities.

Our review of the Census Bureau's employment practices for the 1980 Census has been completed. Working through the regional offices and the SAC's, the Commission advised the Bureau and assisted in disseminating hiring and recruitment information.

Staff monitoring in this area revealed:

(1) Census plans did not take into account the employment of the handicapped;

(2) Census employment exams had disparate impact on minorities; and

(3) Census earnings, in some states, were included in determining welfare eligibility adversely affecting those welfare recipients' ability to seek temporary census employment.

Question No. 9. Please describe the nature of any communications that the Commission has had with Congress or any of the State legislatures on the subject of the Equal Rights Amendment, The District of Columbia voting representation amendment, abortion rights, and school busing for purposes of racial desegregation?

Answer. Pursuant to a discussion between Commission staff and Senator Hatch's staff we are confining our response to the last year of Commission activity. The Commission usually responds to requests for information, comments or analysis of issues from the Congress, state legislatures and the public where the matter is within the jurisdiction of the agency. The Commission often has information already prepared on many issues because of its congressional mandate to study and collect information on civil rights developments . . . appraise the laws and policies . . . etc.

EQUAL RIGHTS AMENDMENT

The Commission's last publication on the Equal Rights Amendment was issued in 1978. Subsequently, the Commission testified before the Senate and House Judiciary Committees on the need for the ERA and an extension of time in which the states can ratify it.

Advisory committees to the Commission have from time to time distributed the Commission's statement and expressed their own views on the ERA. On occasion the Commission and several of its advisory committees have furnished, on request, copies of our ERA material or provided comments or testimony to state legislatures or their committees.

During the past year, the Commission has distributed, on request, approximately 700 or 800 copies of the Commission's 1978 statement on ERA to Congressional and State legislative offices. The bulk of these publications were provided to Congressional offices for use by constituents at conferences. Also included in this figure is approximately 100 copies requested by the White House.

DISTRICT OF COLUMBIA VOTING REPRESENTATION AMENDMENT

In December 1979, the Commission issued a short statement on the proposed D.C. Voting Rights Amendment. Since that time several state legislative committees have requested the views of the Commission and/or its state advisory committees on the D.C. Voting Rights Amendment.

Chairman Flemming appeared before a committee of the Maryland legislature along with a member of the Maryland Advisory Committee to the Commission to discuss the Commission's views. Several other state legislative committees have requested information on the Commission's views.

Except for the short statement in December, 1979 no studies or reports have been issued on this subject. We have received numerous telephone inquiries about the Commission's position on this issue.

ABORTION RIGHTS

We received a question last year from this committee inquiring about our activities in this area since the 1978 restriction. In addition, two members of the Congress, requested copies of our 1976 report on the Right to Limit Childbearing. These reports were provided with a letter noting that our statute now prohibits our study or collection of information on this subject. Other than these, the Commission has had no activities or communications with Congress or any state legislature on the abortion issue since its statute was amended to eliminate consideration of abortion issues by the Commission.

SCHOOL BUSING FOR PURPOSES OF RACIAL DESEGREGATION

The Commission has had communications with the Congress and state legislatures on this subject since its inception in 1957. The Commission and its advisory committees have conducted many studies on this subject and have produced a number of publications. Included in these studies is a congressionally requested study in 1967 of Racial Isolation in the Public Schools.

During the past year, the Commission responded to a variety of congressional requests for its publications and analyses of school desegregation issues. The greatest volume of requests, written and by telephone, came during the debate of the Mottl Amendment by the House of Representatives. Several members specifically requested information on busing in their districts, the status of school desegregation cases, costs for pupil transportation and analysis of the continuing need for busing and other tools to desegregate the nation's schools.

In addition, we were asked to comment on the Mottl Amendment, the Collins Amendment (to the Department of Justice Authorization), the Ashbrook Amendments (Department of Education bill) and Eagleton-Biden Amendment (Department of Labor-HEW Appropriations).

When the Senate debated Senator Helms proposed amendments to curb school busing for desegregation purposes as an energy saver, we received several requests for information on the cost of busing for desegregation purposes compared to the cost of busing for other purposes.

We have appeared before the Congress to testify on a variety of issues relating to school desegregation over the last year. One such presentation recently dealt specifically with anti-busing proposals—the prospects of the Eagleton-Biden Amendment being attached to the appropriations of the newly established Department of Education.

We have responded less frequently to requests from state legislatures on the subject of school desegregation during the last year. We have, however, provided information to Congressional and state legislators on the report of our Illinois Advisory Committee's report on the status of the Chicago School System's school desegregation efforts.

Question No. 10. Please provide an ethnic, racial and sexual breakdown of employees of the Civil Rights Commission for each employee grade. Is the Commission considering efforts to substantially alter these proportions in any significant respect?

Answer. I am attaching (Attachment E) a chart showing the Commission's staff composition as of April 11, 1980. The Commission uses the standard categories (Native American, Asian American, Black, Hispanics, and White) required of Federal agencies in reporting employment data. Ethnicity is subsumed in these categories.

From an EEO standpoint we do not expect to substantially alter these proportions in any significant respect. I should note, however, that in the Commission's 1980 Affirmative Action Plan, submitted to the Equal Employment Opportunity Commission on February 1, 1980, we set as our goal the hiring of one Native American male in the 160 (Equal Opportunity Specialist) series and one Native American male, one Native American female and one Black female in the 905 series (Attorney Advisor). We have already met part of our goal with the recent hiring of a black female in the 905 series.

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